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THE

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OF THE

HOUSE OF REPRESENTATIVES

FOR THE

SECOND SESSION OF THE FIFTY-SECOND CONGRESS.

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52D CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. 1, Part 1.

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

THE UNITED STATES,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 5, 1892,

PRECEDED BY A

LIST OF PAPERS, WITH AN ANALYSIS OF THEIR CONTENTS, AND FOLLOWED BY AN ALPHABETICAL INDEX OF SUBJECTS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1893.

MESSAGE.

To the Senate and House of Representatives:

In submitting my annual message to Congress, I have great satisfaction in being able to say that the general conditions affecting the commercial and industrial interests of the United States are in the highest degree favorable. A comparison of the existing conditions with those of the most favored period in the history of the country will, I believe, show that so high a degree of prosperity and so general a diffusion of the comforts of life were never before enjoyed by our people.

The total wealth of the country in 1860 was $16,159,616,068. In 1890 it amounted to $62,610,000,000, an increase of 287 per cent.

The total mileage of railways in the United States in 1860 was 30,626; in 1890 it was 167,741, an increase of 448 per cent; and it is estimated that there will be about 4,000 miles of track added by the close of the year 1892.

The official returns of the Eleventh Census and those of the Tenth Census for 75 leading cities furnish the basis for the following comparisons:

In 1880 the capital invested in manufacturing was $1,232,839,670.

In 1890 the capital invested in manufacturing was $2,900,735,884.

In 1880 the number of employees was 1,301,388.

In 1890 the number of employees was 2,251,134.

In 1880 the wages earned were $501,965,778.

In 1890 the wages earned were $1,221,170,454.

In 1880 the value of the product was $2,711,579,899.

In 1890 the value of the product was $4,860,286,837.

I am informed by the Superintendent of the Census that the omission of certain industries in 1880, which were included in 1890, accounts in part for the remarkable increase thus shown. But, after making full allowance for differences of method and deducting the returns for all industries not included in the Census of 1880, there remain in the reports from these seventy-five cities an increase in the capital employed of $1,522,745,604; in the value of the product of $2,024,236,166; in wages earned of $677,943,929, and in the num-

ber of wage-earners employed of 856,029. The wage earnings not only show an increased aggregate, but an increase per capita from $386 in 1880 to $547 in 1890, or 41.71 per cent.

The new industrial plants established since October 6, 1890, and up to October 22, 1892, as partially reported in the *American Economist*, number 345, and the extension of existing plants, 108; the new capital invested amounts to $40,449,050, and the number of additional employees to 37,285.

The *Textile World* for July, 1892, states that during the first six months of the present calendar year 135 new factories were built, of which 40 are cotton mills, 48 knitting mills, 26 woolen mills, 15 silk mills, 4 plush mills, and 2 linen mills. Of the 40 cotton mills 21 have been built in the Southern States. Mr. A. B. Shepperson, of the New York Cotton Exchange, estimates the number of working spindles in the United States on September 1, 1892, at 15,200,000, an increase of 660,000 over the year 1891. The consumption of cotton by American mills in 1891 was 2,396,000 bales, and in 1892 2,584,000 bales, an increase of 188,000 bales. From the year 1869 to 1892, inclusive, there has been an increase in the consumption of cotton in Europe of 92 per cent, while during the same period the increased consumption in the United States has been about 150 per cent.

The report of Ira Ayer, special agent of the Treasury Department, shows that at the date of September 30, 1892, there were thirty-two companies manufacturing tin and terne plate in the United States and fourteen companies building new works for such manufacture. The estimated investment in buildings and plants at the close of the fiscal year, June 30, 1893, if existing conditions were to be continued, was $5,000,000, and the estimated rate of production 200,000,000 pounds per annum. The actual production for the quarter ending September 30, 1892, was 10,952,725 pounds.

The report of Labor Commissioner Peck, of New York, shows that during the year 1891, in about six thousand manufacturing establishments in that State embraced within the special inquiry made by him, and representing 67 different industries, there was a net increase over the year 1890 of $31,315,130.68 in the value of the product, and of $6,377,925.09 in the amount of wages paid. The report of the commissioner of labor for the State of Massachusetts shows that 3,745 industries in that State paid $129,416,248 in wages during the year 1891, against $126,030,303 in 1890, an increase of $3,335,945, and that there was an increase of $9,932,490 in the amount of capital and of 7,346 in the number of persons employed in the same period.

During the last six months of the year 1891 and the first six months of 1892 the total production of pig iron was 9,710,819 tons, as against 9,202,703 tons in the year 1890, which was the largest annual production ever attained. For the same twelve months of 1891–'92 the production of Bessemer ingots was 3,878,581 tons, an increase of 189,710 gross tons over the previously unprecedented yearly production of 3,688,871 gross tons in 1890. The production of Bessemer steel rails for the first six months of 1892 was 772,436 gross tons, as against 702,080 gross tons during the last six months of the year 1891.

The total value of our foreign trade (exports and imports of merchandise) during the last fiscal year was $1,857,680,610, an increase of $128,283,604 over the previous fiscal year. The average annual value of our imports and exports of merchandise for the ten fiscal years prior to 1891 was $1,457,322,019. It will be observed that our foreign trade for 1892 exceeded this annual average value by $400,358,591, an increase of 27.47 per cent. The significance and value of this increase are shown by the fact that the excess in the trade of 1892 over 1891 was wholly in the value of exports, for there was a decrease in the value of imports of $17,513,754.

The value of our exports during the fiscal year 1892 reached the highest figure in the history of the Government, amounting to $1,030,278,148, exceeding by $145,797,338 the exports of 1891 and exceeding the value of the imports by $202,875,686. A comparison of the value of our exports for 1892 with the annual average for the ten years prior to 1891 shows an excess of $265,142,651, or of 34.65 per cent. The value of our imports of merchandise for 1892, which was $829,402,462, also exceeded the annual average value of the ten years prior to 1891 by $135,215,940. During the fiscal year 1892 the value of imports free of duty amounted to $457,999,658, the largest aggregate in the history of our commerce. The value of the imports of merchandise entered free of duty in 1892 was 55.35 per cent of the total value of imports, as compared with 43.35 per cent in 1891 and 33.66 per cent in 1890.

In our coastwise trade a most encouraging development is in progress, there having been in the last four years an increase of 16 per cent. In internal commerce the statistics show that no such period of prosperity has ever before existed. The freight carried in the coastwise trade of the Great Lakes in 1890 aggregated 28,295,959 tons. On the Mississippi, Missouri, and Ohio rivers and tributaries in the same year the traffic aggregated 29,405,046 tons, and the total vessel tonnage passing through the Detroit River during that year was 21,684,000 tons. The vessel tonnage entered and cleared in the for-

eign trade of London during 1890 amounted to 13,480,767 tons, and of Liverpool 10,941,800 tons, a total for these two great shipping ports of 24,422,568 tons, only slightly in excess of the vessel tonnage passing through the Detroit River. And it should be said that the season for the Detroit River was but 228 days, while, of course, in London and Liverpool the season was for the entire year. The vessel tonnage passing through the St. Marys Canal for the fiscal year 1892 amounted to 9,828,874 tons, and the freight tonnage of the Detroit River is estimated for that year at 25,000,000 tons, against 23,209,619 tons in 1891. The aggregate traffic on our railroads for the year 1891 amounted to 704,398,609 tons of freight, compared with 691,344,437 tons in 1890, an increase of 13,054,172 tons.

Another indication of the general prosperity of the country is found in the fact that the number of depositors in savings banks increased from 693,870 in 1860 to 4,258,893 in 1890, an increase of 513 per cent, and the amount of deposits from $149,277,504 in 1860 to $1,524,844,506 in 1890, an increase of 921 per cent. In 1891 the amount of deposits in savings banks was $1,623,079,749. It is estimated that 90 per cent of these deposits represent the savings of wage-earners. The bank clearances for nine months ending September 30, 1891, amounted to $41,049,390,808. For the same months in 1892 they amounted to $45,189,601,947, an excess for the nine months of $4,140,211,139.

There never has been a time in our history when work was so abundant or when wages were as high, whether measured by the currency in which they are paid or by their power to supply the necessaries and comforts of life. It is true that the market prices of cotton and wheat have been low. It is one of the unfavorable incidents of agriculture that the farmer can not produce upon orders. He must sow and reap in ignorance of the aggregate production of the year, and is peculiarly subject to the depreciation which follows overproduction. But, while the fact I have stated is true, as to the crops mentioned, the general average of prices has been such as to give to agriculture a fair participation in the general prosperity. The value of our total farm products has increased from $1,363,646,866 in 1860 to $4,500,000,000 in 1891, as estimated by statisticians, an increase of 230 per cent. The number of hogs January 1, 1891, was 50,625,106 and their value $210,193,925; on January 1, 1892, the number was 52,398,019 and the value $241,031,415. On January 1, 1891, the number of cattle was 36,875,648 and the value $544,127,908; on January 1, 1892, the number was 37,651,239 and the value $570,749,155.

If any are discontented with their state here; if any believe that

wages or prices, the returns for honest toil, are inadequate, they should not fail to remember that there is no other country in the world where the conditions that seem to them hard would not be accepted as highly prosperous. The English agriculturist would be glad to exchange the returns of his labor for those of the American farmer, and the Manchester workmen their wages for those of their fellows at Fall River.

I believe that the protective system, which has now for something more than thirty years continuously prevailed in our legislation, has been a mighty instrument for the development of our national wealth and a most powerful agency in protecting the homes of our workingmen from the invasion of want. I have felt a most solicitous interest to preserve to our working people rates of wages that would not only give daily bread but supply a comfortable margin for those home attractions and family comforts and enjoyments without which life is neither hopeful nor sweet. They are American citizens—a part of the great people for whom our Constitution and Government were framed and instituted—and it can not be a perversion of that Constitution to so legislate as to preserve in their homes the comfort, independence, loyalty, and sense of interest in the Government which are essential to good citizenship in peace, and which will bring this stalwart throng, as in 1861, to the defense of the flag when it is assailed.

It is not my purpose to renew here the argument in favor of a protective tariff. The result of the recent election must be accepted as having introduced a new policy. We must assume that the present tariff, constructed upon the lines of protection, is to be repealed, and that there is to be substituted for it a tariff law constructed solely with reference to revenue; that no duty is to be higher because the increase will keep open an American mill or keep up the wages of an American workman, but that in every case such a rate of duty is to be imposed as will bring to the Treasury of the United States the largest returns of revenue. The contention has not been between schedules, but between principles, and it would be offensive to suggest that the prevailing party will not carry into legislation the principles advocated by it and the pledges given to the people. The tariff bills passed by the House of Representatives at the last session were, as I suppose—even in the opinion of their promoters—inadequate, and justified only by the fact that the Senate and House of Representatives were not in accord and that a general revision could not, therefore, be undertaken.

I recommend that the whole subject of tariff revision be left to the incoming Congress. It is matter of regret that this work must be

delayed for at least three months; for the threat of great tariff changes introduces so much uncertainty that an amount, not easily estimated, of business inaction and of diminished production will necessarily result. It is possible also that this uncertainty may result in decreased revenues from customs duties, for our merchants will make cautious orders for foreign goods in view of the prospect of tariff reductions and the uncertainty as to when they will take effect. Those who have advocated a protective tariff can well afford to have their disastrous forecasts of a change of policy disappointed. If a system of customs duties can be framed that will set the idle wheels and looms of Europe in motion and crowd our warehouses with foreign-made goods, and at the same time keep our own mills busy; that will give us an increased participation in the "markets of the world" of greater value than the home market we surrender; that will give increased work to foreign workmen upon products to be consumed by our people without diminishing the amount of work to be done here; that will enable the American manufacturer to pay to his workmen from fifty to a hundred per cent more in wages than is paid in the foreign mill and yet to compete in our market and in foreign markets with the foreign producer; that will further reduce the cost of articles of wear and food without reducing the wages of those who produce them; that can be celebrated, after its effects have been realized, as its expectation has been, in European as well as in American cities, the authors and promoters of it will be entitled to the highest praise. We have had in our history several experiences of the contrasted effects of a revenue and of a protective tariff; but this generation has not felt them, and the experience of one generation is not highly instructive to the next. The friends of the protective system, with undiminished confidence in the principles they have advocated, will await the results of the new experiment.

The strained and too often disturbed relations existing between the employees and the employers in our great manufacturing establishments have not been favorable to a calm consideration by the wage-earner of the effect upon wages of the protective system. The facts that his wages were the highest paid in like callings in the world and that a maintenance of this rate of wages, in the absence of protective duties upon the product of his labor, was impossible, were obscured by the passion evoked by these contests. He may now be able to review the question in the light of his personal experience under the operation of a tariff for revenue only. If that experience shall demonstrate that present rates of wages are thereby maintained or increased, either absolutely or in their pur-

chasing power, and that the aggregate volume of work to be done in this country is increased, or even maintained, so that there are more or as many days' work in a year at as good or better wages for the American workman as has been the case under the protective system, everyone will rejoice. A general process of wage reduction can not be contemplated by any patriotic citizen without the gravest apprehension. It may be, indeed I believe is, possible for the American manufacturer to compete successfully with his foreign rival in many branches of production without the defense of protective duties, if the pay rolls are equalized; but the conflict that stands between the producer and that result and the distress of our working people when it is attained are not pleasant to contemplate. The Society of the Unemployed, now holding its frequent and threatening parades in the streets of foreign cities, should not be allowed to acquire an American domicile.

The reports of the heads of the several Executive Departments, which are herewith submitted, have very naturally included a résumé of the whole work of the administration with the transactions of the last fiscal year. The attention not only of Congress but of the country is again invited to the methods of administration which have been pursued and to the results which have been attained. Public revenues amounting to $1,414,079,292.28 have been collected and disbursed without loss from misappropriation, without a single defalcation of such importance as to attract the public attention, and at a diminished per cent of cost for collection. The public business has been transacted not only with fidelity, but progressively, and with a view to giving to the people in the fullest possible degree the benefits of a service established and maintained for their protection and comfort.

Our relations with other nations are now undisturbed by any serious controversy. The complicated and threatening differences with Germany and England relating to Samoan affairs, with England in relation to the seal fisheries in the Bering Sea, and with Chile growing out of the *Baltimore* affair have been adjusted.

There have been negotiated and concluded, under section 3 of the tariff law, commercial agreements relating to reciprocal trade with the following countries: Brazil, Dominican Republic, Spain for Cuba and Puerto Rico, Guatemala, Salvador, the German Empire, Great Britain for certain West Indian Colonies and British Guiana, Nicaragua, Honduras, and Austria-Hungary.

Of these, those with Guatemala, Salvador, the German Empire, Great Britain, Nicaragua, Honduras, and Austria-Hungary have been concluded since my last annual message. Under these trade arrangements a free or favored admission has been secured in every case for an important list of American products. Especial care has been taken to secure markets for farm products in order to relieve that great underlying industry of the depression which the lack of an adequate foreign market for our surplus often brings. An opening has also been made for manufactured products that will undoubtedly, if this policy is maintained, greatly augment our export trade. The full benefits of these arrangements can not be realized instantly. New lines of trade are to be opened. The commercial traveler must survey the field. The manufacturer must adapt his goods to the new markets and facilities for exchange must be established. This work has been well begun, our merchants and manufacturers having entered the new fields with courage and enterprise. In the case of food products, and especially with Cuba, the trade did not need to wait and the immediate results have been most gratifying. If this policy and these trade arrangements can be continued in force and aided by the establishment of American steamship lines, I do not doubt that we shall, within a short period, secure fully one-third of the total trade of the countries of Central and South America, which now amounts to about $600,000,000 annually. In 1885 we had only 8 per cent of this trade.

The following statistics show the increase in our trade with the countries with which we have reciprocal trade agreements from the date when such agreements went into effect up to September 30, 1892, the increase being in some almost wholly and in others in an important degree the result of these agreements.

The domestic exports to Germany and Austria-Hungary have increased in value from $47,673,756 to $57,993,064, an increase of $10,319,308, or 21.63 per cent. With American countries the value of our exports has increased from $44,160,285 to $54,613,598, an increase of $10,453,313, or 23.67 per cent. The total increase in the value of exports to all the countries with which we have reciprocity agreements has been $20,772,621. This increase is chiefly in wheat, flour, meat, and dairy products, and in manufactures of iron and steel and lumber. There has been a large increase in the value of imports from all these countries since the commercial agreements went into effect, amounting to $74,294,525, but it has been entirely in imports from the American countries, consisting mostly of sugar, coffee, india rubber, and crude drugs. The alarmed attention of our European competitors for the South American market has

been attracted to this new American policy and to our acquisition and their loss of South American trade.

A treaty providing for the arbitration of the dispute between Great Britain and the United States as to the killing of seals in the Bering Sea was concluded on the 29th of February last. This treaty was accompanied by an agreement prohibiting pelagic sealing pending the arbitration, and a vigorous effort was made during this season to drive out all poaching sealers from the Bering Sea. Six naval vessels, three revenue cutters, and one vessel from the Fish Commission, all under the command of Commander Evans, of the Navy, were sent into the sea, which was systematically patrolled. Some seizures were made, and it is believed that the catch in the Bering Sea by poachers amounted to less than 500 seals. It is true, however, that in the North Pacific, while the seal herds were on their way to the passes between the Aleutian Islands, a very large number, probably 35,000, were taken. The existing statutes of the United States do not restrain our citizens from taking seals in the Pacific Ocean, and perhaps should not, unless the prohibition can be extended to the citizens of other nations. I recommend that power be given to the President, by proclamation, to prohibit the taking of seals in the North Pacific by American vessels, in case either as the result of the findings of the tribunal of arbitration, or otherwise, the restraints can be applied to the vessels of all countries. The case of the United States for the tribunal of arbitration has been prepared with great care and industry by the Hon. John W. Foster, and the counsel who represent this Government express confidence that a result substantially establishing our claims and preserving this great industry for the benefit of all nations will be attained.

During the past year, a suggestion was received through the British minister that the Canadian Government would like to confer as to the possibility of enlarging, upon terms of mutual advantage, the commercial exchanges of Canada and of the United States, and a conference was held at Washington, with Mr. Blaine acting for this Government, and the British minister at this capital and three members of the Dominion cabinet acting as commissioners on the part of Great Britain. The conference developed the fact that the Canadian Government was only prepared to offer to the United States, in exchange for the concessions asked, the admission of natural products. The statement was frankly made that favored rates could not be given to the United States as against the mother

country. This admission, which was foreseen, necessarily terminated the conference upon this question. The benefits of an exchange of natural products would be almost wholly with the people of Canada. Some other topics of interest were considered in the conference, and have resulted in the making of a convention for examining the Alaskan boundary and the waters of Passamaquoddy Bay adjacent to Eastport, Me., and in the initiation of an arrangement for the protection of fish life in the coterminous and neighboring waters of our northern border.

The controversy as to tolls upon the Welland Canal, which was presented to Congress at the last session by special message, having failed of adjustment, I felt constrained to exercise the authority conferred by the act of July 26, 1892, and to proclaim a suspension of the free use of St. Marys Falls Canal to cargoes in transit to ports in Canada. The Secretary of the Treasury established such tolls as were thought to be equivalent to the exactions unjustly levied upon our commerce in the Canadian canals.

If, as we must suppose, the political relations of Canada and the disposition of the Canadian Government are to remain unchanged, a somewhat radical revision of our trade relations should, I think, be made. Our relations must continue to be intimate, and they should be friendly. I regret to say, however, that in many of the controversies, notably those as to the fisheries on the Atlantic, the sealing interests on the Pacific, and the canal tolls, our negotiations with Great Britain have continuously been thwarted or retarded by unreasonable and unfriendly objections and protests from Canada. In the matter of the canal tolls, our treaty rights were flagrantly disregarded. It is hardly too much to say that the Canadian Pacific and other railway lines which parallel our northern boundary are sustained by commerce having either its origin or terminus, or both, in the United States. Canadian railroads compete with those of the United States for our traffic, and without the restraints of our interstate-commerce act. Their cars pass almost without detention into and out of our territory.

The Canadian Pacific Railway brought into the United States from China and Japan, via British Columbia, during the year ended June 30, 1892, 23,239,689 pounds of freight, and it carried from the United States to be shipped to China and Japan, via British Columbia, 24,068,346 pounds of freight. There were also shipped from the United States over this road from eastern ports of the United States to our Pacific ports, during the same year, 13,912,073 pounds of freight, and there were received over this road at the

United States eastern ports from ports on the Pacific coast 13,293,315 pounds of freight. Mr. Joseph Nimmo, jr., former Chief of the Bureau of Statistics, when before the Senate Select Committee on Relations with Canada, April 26, 1890, said that "the value of goods thus transported between different points in the United States across Canadian territory probably amounts to $100,000,000 a year."

There is no disposition on the part of the people or Government of the United States to interfere in the smallest degree with the political relations of Canada. That question is wholly with her own people. It is time for us, however, to consider whether, if the present state of things and trend of things is to continue, our interchanges upon lines of land transportation should not be put upon a different basis, and our entire independence of Canadian canals and of the St. Lawrence as an outlet to the sea secured by the construction of an American canal around the Falls of Niagara and the opening of ship communication between the Great Lakes and one of our own seaports. We should not hesitate to avail ourselves of our great natural trade advantages. We should withdraw the support which is given to the railroads and steamship lines of Canada by a traffic that properly belongs to us, and no longer furnish the earnings which lighten the otherwise crushing weight of the enormous public subsidies that have been given to them. The subject of the power of the Treasury to deal with this matter without further legislation has been under consideration, but circumstances have postponed a conclusion. It is probable that a consideration of the propriety of a modification or abrogation of the article of the Treaty of Washington relating to the transit of goods in bond is involved in any complete solution of the question.

Congress at the last session was kept advised of the progress of the serious and for a time threatening differences between the United States and Chile. It gives me now great gratification to report that the Chilean Government, in a most friendly and honorable spirit, has tendered and paid as an indemnity to the families of the sailors of the *Baltimore* who were killed and to those who were injured in the outbreak in the city of Valparaiso the sum of $75,000. This has been accepted, not only as an indemnity for a wrong done, but as a most gratifying evidence that the Government of Chile rightly appreciates the disposition of this Government to act in a spirit of the most absolute fairness and friendliness in our intercourse with that brave people. A further and conclusive evidence of the mutual respect and confidence now existing is furnished by the fact that a convention submitting to arbitration the mutual claims of the citi-

zens of the respective Governments has been agreed upon. Some of these claims have been pending for many years and have been the occasion of much unsatisfactory diplomatic correspondence.

I have endeavored in every way to assure our sister republics of Central and South America that the United States Government and its people have only the most friendly disposition toward them all. We do not covet their territory. We have no disposition to be oppressive or exacting in our dealings with any of them, even the weakest. Our interests and our hopes for them all lie in the direction of stable governments by their people and of the largest development of their great commercial resources. The mutual benefits of enlarged commercial exchanges and of a more familar and friendly intercourse between our peoples we do desire, and in this have sought their friendly coöperation.

I have believed, however, while holding these sentiments in the greatest sincerity, that we must insist upon a just responsibility for any injuries inflicted upon our official representatives or upon our citizens. This insistence, kindly and justly, but firmly made, will, I believe, promote peace and mutual respect.

Our relations with Hawaii have been such as to attract an increased interest, and must continue to do so. I deem it of great importance that the projected submarine cable, a survey for which has been made, should be promoted. Both for naval and commercial uses we should have quick communication with Honolulu. We should before this have availed ourselves of the concession, made many years ago to this Government, for a harbor and naval station at Pearl River. Many evidences of the friendliness of the Hawaiian Government have been given in the past, and it is gratifying to believe that the advantage and necessity of a continuance of very close relations is appreciated.

The friendly act of this Government in expressing to the Government of Italy its reprobation and abhorrence of the lynching of Italian subjects in New Orleans, by the payment of 125,000 francs, or $24,330.90, was accepted by the King of Italy with every manifestation of gracious appreciation, and the incident has been highly promotive of mutual respect and good will.

In consequence of the action of the French Government in proclaiming a protectorate over certain tribal districts of the west coast of Africa, eastward of the San Pedro River, which has long been regarded as the southeastern boundary of Liberia, I have felt con-

strained to make protest against this encroachment upon the territory of a Republic which was founded by citizens of the United States and toward which this country has for many years held the intimate relation of a friendly counselor.

The recent disturbances of the public peace by lawless foreign marauders on the Mexican frontier have afforded this Government an opportunity to testify its good will for Mexico and its earnest purpose to fulfill the obligations of international friendship by pursuing and dispersing the evil-doers. The work of relocating the boundary of the treaty of Guadalupe Hidalgo, westward from El Paso, is progressing favorably.

Our intercourse with Spain continues on a friendly footing. I regret, however, not to be able to report as yet the adjustment of the claims of the American missionaries arising from the disorders at Ponape, in the Caroline Islands, but I anticipate a satisfactory adjustment in view of renewed and urgent representations to the Government at Madrid.

The treatment of the religious and educational establishments of American citizens in Turkey has of late called for a more than usual share of attention. A tendency to curtail the toleration which has so beneficially prevailed is discernible and has called forth the earnest remonstrances of this Government. Harassing regulations in regard to schools and churches have been attempted in certain localities, but not without due protest and the assertion of the inherent and conventional rights of our countrymen. Violations of domicile and search of the persons and effects of citizens of the United States by apparently irresponsible officials in the Asiatic *vilayets* have from time to time been reported. An aggravated instance of injury to the property of an American missionary at Bourdour, in the province of Konia, called forth an urgent claim for reparation, which I am pleased to say was promptly heeded by the government of the Porte. Interference with the trading ventures of our citizens in Asia Minor is also reported, and the lack of consular representation in that region is a serious drawback to instant and effective protection. I can not believe that these incidents represent a settled policy, and shall not cease to urge the adoption of proper remedies.

International copyright has been extended to Italy by proclamation in conformity with the act of March 3, 1891, upon assurance

being given that Italian law permits to citizens of the United States the benefit of copyright on substantially the same basis as to subjects of Italy. By a special convention, proclaimed January 15, 1892, reciprocal provisions of copyright have been applied between the United States and Germany. Negotiations are in progress with other countries to the same end.

I repeat with great earnestness the recommendation which I have made in several previous messages that prompt and adequate support be given to the American company engaged in the construction of the Nicaragua Ship Canal. It is impossible to overstate the value from every standpoint of this great enterprise, and I hope that there may be time, even in this Congress, to give to it an impetus that will insure the early completion of the canal and secure to the United States its proper relation to it when completed.

The Congress has been already advised that the invitations of this Government for the assembling of an International Monetary Conference to consider the question of an enlarged use of silver were accepted by the nations to which they were addressed. The conference assembled at Brussels on the 22d of November and has entered upon the consideration of this great question. I have not doubted, and have taken occasion to express that belief, as well in the invitations issued for this conference as in my public messages, that the free coinage of silver upon an agreed international ratio would greatly promote the interests of our people and equally those of other nations. It is too early to predict what results may be accomplished by the conference. If any temporary check or delay intervenes, I believe that very soon commercial conditions will compel the now reluctant governments to unite with us in this movement to secure the enlargement of the volume of coined money needed for the transaction of the business of the world.

The report of the Secretary of the Treasury will attract especial interest in view of the many misleading statements that have been made as to the state of the public revenues. Three preliminary facts should not only be stated, but emphasized, before looking into details: First, that the public debt has been reduced since March 4, 1889, $259,074,200, and the annual interest charge $11,684,469; second, that there have been paid out for pensions during this administration up to November 1, 1892, $432,564,178.70, an excess of $114,466,386.09 over the sum expended during the period from March 1, 1885, to March 1, 1889; and, third, that under the existing

tariff up to December 1 about $93,000,000 of revenue, which would have been collected upon imported sugars if the duty had been maintained, has gone into the pockets of the people and not into the public treasury, as before. If there are any who still think that the surplus should have been kept out of circulation by hoarding it in the Treasury, or deposited in favored banks without interest while the Government continued to pay to these very banks interest upon the bonds deposited as security for the deposits, or who think that the extended pension legislation was a public robbery, or that the duties upon sugar should have been maintained, I am content to leave the argument where it now rests, while we wait to see whether these criticisms will take the form of legislation.

The revenues for the fiscal year ending June 30, 1892, from all sources were $425,868,260.22, and the expenditures for all purposes were $415,953,806.56, leaving a balance of $9,914,453.66. There were paid during the year upon the public debt $40,570,467.98. The surplus in the Treasury and the bank redemption fund, passed by the act of July 14, 1890, to the general fund, furnished in large part the cash available and used for the payments made upon the public debt. Compared with the year 1891, our receipts from customs duties fell off $42,069,241.08, while our receipts from internal revenue increased $8,284,823.13, leaving the net loss of revenue from these principal sources $33,784,417.95. The net loss of revenue from all sources was $32,675,972.81.

The revenues, estimated and actual, for the fiscal year ending June 30, 1893, are placed by the Secretary at $463,336,350.44, and the expenditures at $461,336,350.44, showing a surplus of receipts over expenditures of $2,000,000. The cash balance in the Treasury at the end of the fiscal year it is estimated will be $20,992,377.93.

So far as these figures are based upon estimates of receipts and expenditures for the remaining months of the current fiscal year, there are not only the usual elements of uncertainty, but some added elements. New revenue legislation, or even the expectation of it, may seriously reduce the public revenues during the period of uncertainty and during the process of business adjustment to the new conditions when they become known. But the Secretary has very wisely refrained from guessing as to the effect of possible changes in our revenue laws, since the scope of those changes and the time of their taking effect can not in any degree be forecast or foretold by him. His estimates must be based upon existing laws and upon a continuance of existing business conditions, except so far as these conditions may be affected by causes other than new legislation.

The estimated receipts for the fiscal year ending June 30, 1894, are $490,121,365.38, and the estimated appropriations $457,261,335.33, leaving an estimated surplus of receipts over expenditures of $32,860,030.05. This does not include any payment to the sinking fund. In the recommendation of the Secretary that the sinking-fund law be repealed I concur. The redemption of bonds since the passage of the law to June 30, 1892, has already exceeded the requirements by the sum of $990,510,681.49. The retirement of bonds in the future before maturity should be a matter of convenience, not of compulsion. We should not collect revenue for that purpose, but only use any casual surplus. To the balance of $32,860,030.05 of receipts over expenditures for the year 1894 should be added the estimated surplus at the beginning of the year, $20,992,377.03; and from this aggregate there must be deducted, as stated by the Secretary, about $44,000,000 of estimated unexpended appropriations.

The public confidence in the purpose and ability of the Government to maintain the parity of all of our money issues, whether coin or paper, must remain unshaken. The demand for gold in Europe and the consequent calls upon us are in a considerable degree the result of the efforts of some of the European governments to increase their gold reserves, and these efforts should be met by appropriate legislation on our part. The conditions that have created this drain of the Treasury gold are in an important degree political and not commercial. In view of the fact that a general revision of our revenue laws in the near future seems to be probable, it would be better that any changes should be a part of that revision rather than of a temporary nature.

During the last fiscal year the Secretary purchased under the act of July 14, 1890, 54,355,748 ounces of silver, and issued in payment therefor $51,106,608 in notes. The total purchases since the passage of the act have been 120,479,981 ounces, and the aggregate of notes issued $116,783,590. The average price paid for silver during the year was 94 cents per ounce, the highest price being $1.02¾ July 1, 1891, and the lowest 83 cents March 21, 1892. In view of the fact that the monetary conference is now sitting and that no conclusion has yet been reached, I withhold any recommendation as to legislation upon this subject.

The report of the Secretary of War brings again to the attention of Congress some important suggestions as to the reorganization of the infantry and artillery arms of the service, which his predeces-

sors have before urgently presented. Our Army is small, but its organization should all the more be put upon the most approved modern basis. The conditions upon what we have called the "frontier" have heretofore required the maintenance of many small posts, but now the policy of concentration is obviously the right one. The new posts should have the proper strategic relations to the only "frontiers" we now have, those of the seacoast and of our northern and part of our southern boundary. I do not think that any question of advantage to localities or to States should determine the location of the new posts. The reorganization and enlargement of the Bureau of Military Information which the Secretary has effected is a work the usefulness of which will become every year more apparent. The work of building heavy guns and the construction of coast defenses has been well begun and should be carried on without check.

The report of the Attorney-General is by law submitted directly to Congress, but I can not refrain from saying that he has conducted the increasing work of the Department of Justice with great professional skill. He has in several directions secured from the courts decisions giving increased protection to the officers of the United States and bringing some classes of crime that escaped local cognizance and punishment into the tribunals of the United States, where they could be tried with impartiality.

The numerous applications for Executive clemency presented in behalf of persons convicted in United States courts and given penitentiary sentences have called my attention to a fact referred to by the Attorney-General in his report, namely, that a time allowance for good behavior for such prisoners is prescribed by the Federal statutes only where the State in which the penitentiary is located has made no such provision. Prisoners are given the benefit of the provisions of the State law regulating the penitentiary to which they may be sent. These are various, some perhaps too liberal and some perhaps too illiberal. The result is that a sentence for five years means one thing if the prisoner is sent to one State for confinement and quite a different thing if he is sent to another. I recommend that a uniform credit for good behavior be prescribed by Congress.

I have before expressed my concurrence in the recommendation of the Attorney-General that degrees of murder should be recognized in the Federal statutes as they are, I believe, in all the States. These grades are founded on correct distinctions in crime. The recognition of them would enable the courts to exercise some

discretion in apportioning punishment, and would greatly relieve the Executive of what is coming to be a very heavy burden—the examination of these cases on application for commutation.

The aggregate of claims pending against the Government in the Court of Claims is enormous. Claims to the amount of nearly $400,000,000 for the taking of or injury to the property of persons claiming to be loyal during the war are now before that court for examination. When to these are added the Indian depredation claims and the French spoliation claims an aggregate is reached that is indeed startling. In the defense of all these cases the Government is at great disadvantage. The claimants have preserved their evidence, whereas the agents of the Government are sent into the field to rummage for what they can find. This difficulty is peculiarly great where the fact to be established is the disloyalty of the claimant during the war. If this great threat against our revenues is to have no other check certainly Congress should supply the Department of Justice with appropriations sufficiently liberal to secure the best legal talent in the defense of these claims and to pursue its vague search for evidence effectively.

The report of the Postmaster-General shows a most gratifying increase and a most efficient and progressive management of the great business of that Department. The remarkable increase in revenues, in the number of post-offices, and in the miles of mail carriage furnishes further evidence of the high state of prosperity which our people are enjoying. New offices mean new hamlets and towns, new routes mean the extension of our border settlements, and increased revenues mean an active commerce. The Postmaster-General reviews the whole period of his administration of the office and brings some of his statistics down to the month of November last. The postal revenues have increased during the last year nearly $5,000,000. The deficit for the year ending June 30, 1892, is $848,341 less than the deficiency of the preceding year. The deficiency of the present fiscal year it is estimated will be reduced to $1,552,423, which will not only be extinguished during the next fiscal year, but a surplus of nearly one million dollars should then be shown. In these calculations the payments to be made under the contracts for ocean mail service have not been included. There have been added 1,590 new mail routes during the year, with a mileage of 8,563 miles; and the total number of new miles of mail trips added during the year is nearly seventeen millions. The number of miles of mail journeys added during the last four years is about seventy-six millions, this addition being twenty-one mil-

lions of miles more than were in operation in the whole country in 1861.

The number of post-offices has been increased by 2,790 during the year; and during the past four years and up to October 29 last the total increase in the number of offices has been nearly nine thousand. The number of free-delivery offices has been nearly doubled in the last four years, and the number of money-order offices more than doubled within that time.

For the three years ending June 30, 1892, the postal revenue amounted to $197,744,359, which was an increase of $52,263,150 over the revenue for the three years ending June 30, 1888, the increase during the last three years being more than three and a half times as great as the increase during the three years ending June 30, 1888. No such increase as that shown for these three years has ever previously appeared in the revenues of the Department. The Postmaster-General has extended to the post-offices in the larger cities the merit system of promotion, introduced by my direction into the Departments here, and it has resulted there, as in the Departments, in a larger volume of work and that better done.

Ever since our merchant marine was driven from the sea by the rebel cruisers during the war of the rebellion the United States has been paying an enormous annual tribute to foreign countries in the shape of freight and passage moneys Our grain and meats have been taken at our own docks and our large imports there laid down by foreign shipmasters. An increasing torrent of American travel to Europe has contributed a vast sum annually to the dividends of foreign shipowners. The balance of trade shown by the books of our custom-houses has been very largely reduced and in many years altogether extinguished by this constant drain. In the year 1892 only 12.3 per cent of our imports were brought in American vessels. These great foreign steamships maintained by our traffic are many of them under contracts with their respective governments by which in time of war they will become a part of their armed naval establishments. Profiting by our commerce in peace, they will become the most formidable destroyers of our commerce in time of war. I have felt and have before expressed the feeling that this condition of things was both intolerable and disgraceful. A wholesome change of policy and one having in it much promise, as it seems to me, was begun by the law of March 3, 1891. Under this law contracts have been made by the Postmaster-General for eleven mail routes. The expenditure involved by these contracts for the next fiscal year approximates $954,123.33. As one of the results already reached 16 American steamships of an aggregate tonnage of 57,400

tons, costing $7,400,000, have been built or contracted to be built in American shipyards.

The estimated tonnage of all steamships required under existing contracts is 165,802, and when the full service required by these contracts is established there will be 41 mail steamers under the American flag, with the probability of further necessary additions in the Brazilian and Argentine service. The contracts recently let for transatlantic service will result in the construction of five ships of ten thousand tons each, costing nine or ten million dollars, and will add, with the *City of New York* and *City of Paris*, to which the Treasury Department was authorized by legislation at the last session to give American registry, seven of the swiftest vessels upon the sea to our naval reserve. The contracts made with the lines sailing to Central and South American ports have increased the frequency and shortened the time of the trips, added new ports of call, and sustained some lines that otherwise would almost certainly have been withdrawn. The service to Buenos Ayres is the first to the Argentine Republic under the American flag. The service to Southampton, Boulogne, and Antwerp is also new, and is to be begun with the steamships *City of New York* and *City of Paris* in February next.

I earnestly urge a continuance of the policy inaugurated by this legislation and that the appropriations required to meet the obligations of the Government under the contracts may be made promptly, so that the lines that have entered into these engagements may not be embarrassed. We have had, by reason of connections with the transcontinental railway lines constructed through our own territory, some advantages in the ocean trade of the Pacific that we did not possess on the Atlantic. The construction of the Canadian Pacific Railway and the establishment under large subventions from Canada and England of fast steamship service from Vancouver with Japan and China seriously threaten our shipping interests in the Pacific. This line of English steamers receives, as is stated by the Commissioner of Navigation, a direct subsidy of $400,000 annually, or $30,767 per trip for thirteen voyages, in addition to some further aid from the admiralty in connection with contracts under which the vessels may be used for naval purposes. The competing American Pacific mail line, under the act of March 3, 1891, receives only $6,389 per round trip.

Efforts have been making within the last year, as I am informed, to establish under similar conditions a line between Vancouver and some Australian port, with a view of seizing there a trade in which we have had a large interest. The Commissioner of Navigation

states that a very large per cent of our imports from Asia are now brought to us by English steamships and their connecting railways in Canada. With a view of promoting this trade, especially in tea, Canada has imposed a discrimnating duty of 10 per cent upon tea and coffee brought into the Dominion from the United States. If this unequal contest between American lines without subsidy, or with diminished subsidies, and the English Canadian line to which I have referred is to continue, I think we should at least see that the facilities for customs entry and transportation across our territory are not such as to make the Canadian route a favored one, and that the discrimination as to duties, to which I have referred, is met by a like discrimination as to the importation of these articles from Canada.

No subject, I think, more nearly touches the pride, the power, and the prosperity of our country than this of the development of our merchant marine upon the sea. If we could enter into conference with other competitors and all would agree to withhold Government aid we could perhaps take our chances with the rest, but our great competitors have established and maintained their lines by Government subsidies until they now have practically excluded us from participation. In my opinion no choice is left to us but to pursue, moderately at least, the same lines.

The report of the Secretary of the Navy exhibits great progress in the construction of our new Navy. When the present Secretary entered upon his duties only three modern steel vessels were in commission. The vessels since put in commission and to be put in commission during the winter will make a total of 19 during his administration of the Department. During the current year 10 war vessels and 3 navy tugs have been launched, and during the four years 25 vessels will have been launched. Two other large ships and a torpedo boat are under contract and the work upon them well advanced, and the four monitors are awaiting only the arrival of their armor, which has been unexpectedly delayed, or they would have been before this in commission.

Contracts have been let during this administration, under the appropriations for the increase of the Navy, including new vessels and their appurtenances, to the amount of $35,000,000, and there has been expended during the same period for labor at navy-yards upon similar work $8,000,000 without the smallest scandal or charge of fraud or partiality. The enthusiasm and interest of our naval officers, both of the staff and line, have been greatly kindled. They have responded magnificently to the confidence of Congress and

have demonstrated to the world an unexcelled capacity in construction, in ordnance, and in everything involved in the building, equipping, and sailing of great war ships.

At the beginning of Secretary Tracy's administration several difficult problems remained to be grappled with and solved before the efficiency in action of our ships could be secured. It is believed that as the result of new processes in the construction of armor plate our later ships will be clothed with defensive plates of higher resisting power than are found on any war vessels afloat. We were without torpedoes. Tests have been made to ascertain the relative efficiency of different constructions, a torpedo has been adopted, and the work of construction is now being carried on successfully. We were without armor-piercing shells, and without a shop instructed and equipped for the construction of them. We are now making what is believed to be a projectile superior to any before in use. A smokeless powder has been developed, and a slow-burning powder for guns of large caliber. A high explosive, capable of use in shells fired from service guns, has been found, and the manufacture of gun cotton has been developed so that the question of supply is no longer in doubt.

The development of a naval militia, which has been organized in eight States and brought into cordial and coöperative relations with the Navy, is another important achievement. There are now enlisted in these organizations 1,800 men, and they are likely to be greatly extended. I recommend such legislation and appropriations as will encourage and develop this movement. The recommendations of the Secretary will, I do not doubt, receive the friendly consideration of Congress, for he has enjoyed, as he has deserved, the confidence of all those interested in the development of our Navy, without any division upon partisan lines. I earnestly express the hope that a work which has made such noble progress may not now be stayed. The wholesome influence for peace and the increased sense of security which our citizens domiciled in other lands feel when these magnificent ships under the American flag appear is already most gratefully apparent. The ships from our Navy which will appear in the great naval parade next April in the harbor of New York will be a convincing demonstration to the world that the United States is again a naval power.

The work of the Interior Department, always very burdensome, has been larger than ever before during the administration of Secretary Noble. The disability pension law, the taking of the Eleventh Census, the opening of vast areas of Indian lands to settlement, the

organization of Oklahoma, and the negotiations for the cession of Indian lands furnish some of the particulars of the increased work; and the results achieved testify to the ability, fidelity, and industry of the head of the Department and his efficient assistants.

Several important agreements for the cession of Indian lands negotiated by the Commission appointed under the act of March 2, 1889, are awaiting the action of Congress. Perhaps the most important of these is that for the cession of the Cherokee Strip. This region has been the source of great vexation to the Executive Department and of great friction and unrest between the settlers who desire to occupy it and the Indians who assert title. The agreement which has been made by the Commission is perhaps the most satisfactory that could have been reached. It will be noticed that it is conditioned upon its ratification by Congress before March 4, 1893. The Secretary of the Interior, who has given the subject very careful thought, recommends the ratification of the agreement, and I am inclined to follow his recommendation. Certain it is that some action by which this controversy shall be brought to an end and these lands opened to settlement is urgent.

The form of government provided by Congress on May 17, 1884, for Alaska was, in its frame and purpose, temporary. The increase of population and the development of some important mining and commercial interests make it imperative that the law should be revised and better provision made for the arrest and punishment of criminals.

The report of the Secretary shows a very gratifying state of facts as to the condition of the General Land Office. The work of issuing agricultural patents, which seemed to be hopelessly in arrear when the present Secretary undertook the duties of his office, has been so expedited that the Bureau is now upon current business. The relief thus afforded to honest and worthy settlers upon the public lands, by giving to them an assured title to their entries, has been of incalculable benefit in developing the new States and the Territories.

The Court of Private Land Claims, established by Congress for the promotion of this policy of speedily settling contested land titles is making satisfactory progress in its work, and when the work is completed a great impetus will be given to the development of those regions where unsettled claims under Mexican grants have so long exercised their repressive influence. When to these results are added the enormous cessions of Indian lands which have been opened to settlement, aggregating during this administration nearly 26,000,000 acres, and the agreements negotiated and now pending

in Congress for ratification by which about 10,000,000 additional acres will be opened to settlement, it will be seen how much has been accomplished.

The work in the Indian Bureau, in the execution of the policy of recent legislation, has been largely directed to two chief purposes: First, the allotment of lands in severalty to the Indians and the cession to the United States of the surplus lands; and, secondly, to the work of educating the Indian for his own protection in his closer contact with the white man and for the intelligent exercise of his new citizenship. Allotments have been made and patents issued to 5,900 Indians under the present Secretary and Commissioner, and 7,600 additional allotments have been made for which patents are now in process of preparation. The school attendance of Indian children has been increased during that time over 13 per cent, the enrollment for 1892 being nearly twenty thousand. A uniform system of school text-books and of study has been adopted and the work in these national schools brought as near as may be to the basis of the free common schools of the States. These schools can be transferred and merged into the common-school systems of the States when the Indian has fully assumed his new relation to the organized civil community in which he resides, and the new States are able to assume the burden.

I have several times been called upon to remove Indian agents appointed by me, and have done so promptly upon every sustained complaint of unfitness or misconduct. I believe, however, that the Indian service at the agencies has been improved and is now administered on the whole with a good degree of efficiency. If any legislation is possible by which the selection of Indian agents can be wholly removed from all partisan suggestions or considerations, I am sure it would be a great relief to the Executive and a great benefit to the service. The appropriation for the subsistence of the Cheyenne and Arapahoe Indians made at the last session of Congress was inadequate. This smaller appropriation was estimated for by the Commissioner upon the theory that the large fund belonging to the tribe in the public Treasury could be and ought to be used for their support. In view, however, of the pending depredation claims against this fund and other considerations, the Secretary of the Interior on the 12th of April last submitted a supplemental estimate for $50,000. This appropriation was not made, as it should have been, and the oversight ought to be remedied at the earliest possible date.

In a special message to this Congress at the last session I stated the reasons why I had not approved the deed for the release to the

United States by the Choctaws and Chickasaws of the lands formerly embraced in the Cheyenne and Arapahoe Reservation and remaining after allotments to that tribe. A resolution of the Senate expressing the opinion of that body that, notwithstanding the facts stated in my special message, the deed should be approved and the money, $2,991,450, paid over, was presented to me May 10, 1892. My special message was intended to call the attention of Congress to the subject, and in view of the fact that it is conceded that the appropriation proceeded upon a false basis as to the amount of lands to be paid for, and is by $50,000 in excess of the amount they are entitled to (even if their claim to the land is given full recognition at the rate agreed upon), I have not felt willing to approve the deed, and shall not do so, at least until both Houses of Congress have acted upon the subject. It has been informally proposed by the claimants to release this sum of $50,000, but I have no power to demand or accept such a release, and such an agreement would be without consideration and void.

I desire further to call the attention of Congress to the fact that the recent agreement concluded with the Kiowas and Comanches relates to lands which were a part of the "leased district," and to which the claim of the Choctaws and Chickasaws is precisely that recognized by Congress in the legislation I have referred to. The surplus lands to which this claim would attach in the Kiowa and Comanche Reservation is 2,500,000 acres, and at the same rate the Government will be called upon to pay to the Choctaws and Chickasaws for these lands $3,125,000. This sum will be further augmented, especially if the title of the Indians to the tract now Grier County, Tex., is established. The duty devolved upon me in this connection was simply to pass upon the form of the deed; but as in my opinion the facts mentioned in my special message were not adequately brought to the attention of Congress in connection with the legislation, I have felt that I would not be justified in acting without some new expression of the legislative will.

The report of the Commissioner of Pensions, to which extended notice is given by the Secretary of the Interior in his report, will attract great attention. Judged by the aggregate amount of work done the last year has been the greatest in the history of the Office. I believe that the organization of the Office is efficient, and that the work has been done with fidelity. The passage of what is known as the disability bill has, as was foreseen, very largely increased the annual disbursements to the disabled veterans of the civil war. The estimate for this fiscal year was $144,956,000, and that amount was appropriated. A deficiency amounting to $10,508,621 must be pro-

vided for at this session. The estimate for pensions for the fiscal year ending June 30, 1894, is $165,000,000. The Commissioner of Pensions believes that, if the present legislation, and methods are maintained and further additions to the pension laws are not made, the maximum expenditure for pensions will be reached June 30, 1894, and will be at the highest point $188,000,000 per annum.

I adhere to the views expressed in previous messages that the care of the disabled soldiers of the war of the rebellion is a matter of national concern and duty. Perhaps no emotion cools sooner than that of gratitude, but I can not believe that this process has yet reached a point with our people that would sustain the policy of remitting the care of these disabled veterans to the inadequate agencies provided by local laws. The parade on the 20th of September last, upon the streets of this capital, of sixty thousand of the surviving Union veterans of the war of the rebellion was a most touching and thrilling episode, and the rich and gracious welcome extended to them by the District of Columbia and the applause that greeted their progress from tens of thousands of people from all the States did much to revive the glorious recollections of the grand review, when these men and many thousand others now in their graves were welcomed with grateful joy as victors in a struggle in which the national unity, honor, and wealth were all at issue.

In my last annual message I called attention to the fact that some legislative action was necessary in order to protect the interests of the Government in its relations with the Union Pacific Railway. The Commissioner of Railroads has submitted a very full report, giving exact information as to the debt, the liens upon the company's property, and its resources. We must deal with the question as we find it, and take that course which will, under existing conditions, best secure the interests of the United States. I recommended in my last annual message that a commission be appointed to deal with this question, and I renew that recommendation, and suggest that the commission be given full power.

The report of the Secretary of Agriculture contains not only a most interesting statement of the progressive and valuable work done under the administration of Secretary Rusk, but many suggestions for the enlarged usefulness of this important Department. In the successful effort to break down the restrictions to the free introduction of our meat products in the countries of Europe, the Secretary has been untiring from the first, stimulating and aiding all other government officers, at home and abroad, whose official duties

enabled them to participate in the work. The total trade in hog products with Europe in May, 1892, amounted to 82,000,000 pounds, against 46,900,000 in the same month of 1891; in June, 1892, the exports aggregated 85,700,000 pounds, against 46,500,000 pounds in the same month of the previous year; in July there was an increase of 41 per cent and in August of 55 per cent over the corresponding months of 1891. Over 40,000,000 pounds of inspected pork have been exported since the law was put into operation, and a comparison of the four months of May, June, July, and August, 1892, with the same months of 1891 shows an increase in the number of pounds of our export of pork products of 62 per cent, and an increase in value of 66½ per cent. The exports of dressed beef increased from 137,900,000 pounds in 1889 to 220,500,000 pounds in 1892, or about 60 per cent. During the past year there have been exported 394,607 head of live cattle as against 205,786 exported in 1889. This increased exportation has been largely promoted by the inspection authorized by law and the faithful efforts of the Secretary and his efficient subordinates to make that inspection thorough and to carefully exclude from all cargoes diseased or suspected cattle. The requirement of the English regulations that live cattle arriving from the United States must be slaughtered at the docks had its origin in the claim that pleuro-pneumonia existed among American cattle and that the existence of the disease could only certainly be determined by a post-mortem inspection.

The Department of Agriculture has labored with great energy and faithfulness to extirpate this disease; and, on the 26th day of September last, a public announcement was made by the Secretary that the disease no longer existed anywhere within the United States. He is entirely satisfied, after the most searching inquiry, that this statement was justified, and that by a continuance of the inspection and quarantine now required of cattle brought into this country the disease can be prevented from again getting any foothold. The value to the cattle industry of the United States of this achievement can hardly be estimated. We can not, perhaps, at once insist that this evidence shall be accepted as satisfactory by other countries; but if the present exemption from the disease is maintained and the inspection of our cattle arriving at foreign ports, in which our own veterinarians participate, confirms it, we may justly expect that the requirement that our cattle shall be slaughtered at the docks will be revoked, as the sanitary restrictions upon our pork products have been. If our cattle can be taken alive to the interior the trade will be enormously increased.

Agricultural products constituted 78.1 per cent of our unprecedented exports for the fiscal year which closed June 30, 1892, the total exports being $1,030,278,030 and the valne of the agricultural products $793,717,676, which exceeds by more than $150,000,000 the shipment of agricultural products in any previous year.

An interesting and a promising work for the benefit of the American farmer has been begun through agents of the Agricultural Department in Europe, and consists in efforts to introduce the various products of Indian corn as articles of human food. The high price of rye offered a favorable opportunity for the experiment in Germany of combining corn meal with rye to produce a cheaper bread. A fair degree of success has been attained, and some mills for grinding corn for food have been introduced. The Secretary is of the opinion that this new use of the products of corn has already stimulated exportations, and that if diligently prosecuted large and important markets can presently be opened for this great American product.

The suggestions of the Secretary for an enlargement of the work of the Department are commended to your favorable consideration. It may, I think, be said without challenge that in no corresponding period has so much been done as during the last four years for the benefit of American agriculture.

The subject of quarantine regulations, inspection, and control was brought suddenly to my attention by the arrival at our ports in August last of vessels infected with cholera. Quarantine regulations should be uniform at all our ports. Under the Constitution they are plainly within the exclusive Federal jurisdiction when and so far as Congress shall legislate. In my opinion the whole subject should be taken into national control, and adequate power given to the Executive to protect our people against plague invasions. On the 1st of September last I approved regulations establishing a twenty-day quarantine for all vessels bringing immigrants from foreign ports. This order will be continued in force. Some loss and suffering have resulted to passengers, but a due care for the homes of our people justifies in such cases the utmost precaution. There is danger that with the coming of spring cholera will again appear, and a liberal appropriation should be made at this session to enable our quarantine and port officers to exclude the deadly plague.

But the most careful and stringent quarantine regulations may not be sufficient absolutely to exclude the disease. The progress of medical and sanitary science has been such, however, that if approved precautions are taken at once to put all of our cities and

towns in the best sanitary condition, and provision is made for isolating any sporadic cases and for a thorough disinfection, an epidemic can, I am sure, be avoided. This work appertains to the local authorities, and the responsibility and the penalty will be appalling if it is neglected or unduly delayed.

We are peculiarly subject in our great ports to the spread of infectious diseases by reason of the fact that unrestricted immigration brings to us out of European cities, in the overcrowded steerages of great steamships, a large number of persons whose surfoundings make them the easy victims of the plague. This consideration, as well as those affecting the political, moral, and industrial interests of our country, lead me to renew the suggestion that admission to our country and to the high privileges of its citizenship should be more restricted and more careful. We have, I think, a right and owe a duty to our own people, and especially to our working people, not only to keep out the vicious, the ignorant, the civil disturber, the pauper, and the contract laborer, but to check the too great flow of immigration now coming by further limitations.

The report of the World's Columbian Exposition has not yet been submitted. That of the Board of Management of the Government exhibit has been received and is herewith transmitted. The work of construction and of preparation for the opening of the Exposition in May next has progressed most satisfactorily and upon a scale of liberality and magnificence that will worthily sustain the honor of the United States.

The District of Columbia is left, by a decision of the supreme court of the District, without any law regulating the liquor traffic. An old statute of the legislature of the District, relating to the licensing of various vocations, has hitherto been treated by the Commissioners as giving them power to grant or refuse licenses to sell intoxicating liquors, and as subjecting those who sold without license to penalties; but in May last the supreme court of the District held against this view of the powers of the Commissioners. It is of urgent importance, therefore, that Congress should supply, either by direct enactment or by conferring discretionary powers upon the Commissioners, proper limitations and restraints upon the liquor traffic in the District. The District has suffered in its reputation by many crimes of violence, a large per cent of them resulting from drunkenness and the liquor traffic. The capital of the nation should be freed from this reproach by the enactment of stringent restrictions and limitations upon the traffic.

In renewing the recommendation which I have made in three preceding annual messages that Congress should legislate for the protection of railroad employees against the dangers incident to the old and inadequate methods of braking and coupling which are still in use upon freight trains, I do so with the hope that this Congress may take action upon the subject. Statistics furnished by the Interstate Commerce Commission show that during the year ending June 30, 1891, there were 47 different styles of car couplers reported to be in use, and that during the same period there were 2,660 employees killed and 26,140 injured. Nearly 16 per cent of the deaths occurred in the coupling and uncoupling of cars, and over 36 per cent of the injuries had the same origin.

The Civil Service Commission ask for an increased appropriation for needed clerical assistance, which I think should be given. I extended the classified service March 1, 1892, to include physicians, superintendents, assistant superintendents, school teachers, and matrons in the Indian service, and have had under consideration the subject of some further extensions, but have not as yet fully determined the lines upon which extensions can most properly and usefully be made.

I have, in each of the three annual messages which it has been my duty to submit to Congress, called attention to the evils and dangers connected with our election methods and practices as they are related to the choice of officers of the National Government. In my last annual message I endeavored to invoke serious attention to the evils of unfair apportionments for Congress. I can not close this message without again calling attention to these grave and threatening evils. I had hoped that it was possible to secure a nonpartisan inquiry, by means of a commission, into evils the existence of which is known to all, and that out of this might grow legislation from which all thought of partisan advantage should be eliminated and only the higher thought appear of maintaining the freedom and purity of the ballot and the equality of the elector, without the guaranty of which the Government could never have been formed and without the continuance of which it can not continue to exist in peace and prosperity.

It is time that mutual charges of unfairness and fraud between the great parties should cease, and that the sincerity of those who profess a desire for pure and honest elections should be brought to the test of their willingness to free our legislation and our election methods from everything that tends to impair the public confidence

in the announced result. The necessity for an inquiry, and for legislation by Congress, upon this subject is emphasized by the fact that the tendency of the legislation in some States in recent years has in some important particulars been away from and not toward free and fair elections and equal apportionments. Is it not time that we should come together upon the high plane of patriotism while we devise methods that shall secure the right of every man qualified by law to cast a free ballot and give to every such ballot an equal value in choosing our public officers and in directing the policy of the Government?

Lawlessness is not less such, but more, where it usurps the functions of the peace officer and of the courts. The frequent lynching of colored people accused of crime is without the excuse which has sometimes been urged by mobs for a failure to pursue the appointed methods for the punishment of crime, that the accused have an undue influence over courts and juries. Such acts are a reproach to the community where they occur, and so far as they can be made the subject of Federal jurisdiction the strongest repressive legislation is demanded. A public sentiment that will sustain the officers of the law in resisting mobs and in protecting accused persons in their custody should be promoted by every possible means. The officer who gives his life in the brave discharge of this duty is worthy of special honor. No lesson needs to be so urgently impressed upon our people as this, that no worthy end or cause can be promoted by lawlessness.

This exhibit of the work of the Executive Departments is submitted to Congress and to the public in the hope that there will be found in it a due sense of responsibility and an earnest purpose to maintain the national honor and to promote the happiness and prosperity of all our people. And this brief exhibit of the growth and prosperity of the country will give us a level from which to note the increase or decadence that new legislative policies may bring to us. There is no reason why the national influence, power, and prosperity should not observe the same rates of increase that have characterized the past thirty years. We carry the great impulse and increase of these years into the future. There is no reason why in many lines of production we should not surpass all other nations as we have already done in some. There are no near frontiers to our possible development. Retrogression would be a crime.

BENJ. HARRISON.

EXECUTIVE MANSION,
December 6, 1892.

FOREIGN RELATIONS.

FOREIGN RELATIONS.

LIST OF THE PAPERS, WITH AN ANALYSIS OF THEIR CONTENTS.

CORRESPONDENCE WITH THE LEGATION OF THE ARGENTINE REPUBLIC AT WASHINGTON.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Carranza to Mr. Blaine	1892. May 12	Boundary dispute between the Argentine Republic and Brazil: incloses letter of President Pellegrini to the President of the United States, requesting him to accept the office of arbitrator under the treaty, (also inclosed.)	1
	Mr. Foster to Mr. Carranza	July 2	Same subject: Acceptance of the office of arbitrator by the President. Letter of the President to President Pellegrini inclosed.	3

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218	Mr. Chew to Mr. Blaine	1891. Dec. 23	Passport application of Mr. Rudolph G. W. Lippitt, born in Vienna of a native citizen, but who never resided in the United States since his arrival at majority, is referred to the Department of State for instructions.	5
179	Mr. Blaine to Mr. Grant	1892. Jan. 25	Same subject: The application should be denied unless intention of returning to the United States is satisfactorily shown.	6
284	Mr. Grant to Mr. Wharton	July 1	Expulsion of naturalized citizens who have not performed military service in Austria: Reports the case of Leon Spitzer which is one of many of the same nature as calling for an assertion of the right of American citizens to protection. Incloses correspondence with the ministry of foreign affairs which takes the ground that the expulsion is not punishment for nonfulfillment of military service, but a measure of internal police sanctioned by the municipal law.	6
232	Mr. Foster to Mr. Grant	July 23	Same subject: Leon Spitzer having been expelled without valid or explicit reasons, and being entitled to the benefits of the treaty so long as it remains unchanged, Mr. Grant's protest submitted in No. 284 is approved.	13

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164	Mr. Foster to Mr. Conger	1892. July 13	Cable between the United States and Santo Domingo was not allowed to land in the United States because the French Company applying for the privilege purposed to connect it with that existing between San Domingo and Brazil with monopolistic privileges, whereby any other cable between the United States and Brazil would be excluded.	1(
201	Mr. Conger to Mr. Foster	Aug. 17	Same subject: The views expressed in the above have been submitted to the Brazilian Government.	1(

CORRESPONDENCE WITH THE BRAZILIAN LEGATION AT WASHINGTON.

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10	Mr. Blaine to Mr. Kimberly.	Dec. 29	Same subject: Requests further information on the action of the Government of Salvador in refusing Consul Myers a pass to leave the country and in preventing his communicating with the Government of the United States.	20
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244	Mr. Kimberly to Mr. Blaine.	Jan. 31	Same subject: The records of the legation furnish no information except that contained in communications to the Department.	21
37	Mr. Blaine to Mr. Pacheco..	Mar. 2	Same subject: Directs him to carry out the instructions set forth in No. 10 above.	22
16	Mr. Pacheco to Mr. Blaine ..	Mar. 30	Same subject: Reports the finding of papers in the case and his intention to act in the matter.	22
8	Mr. Wharton to Mr. Pacheco.	July 23	Same subject: Expresses the desire of presenting the claim without waiting for further information.	22
60	Mr. Pacheco to Mr. Blaine ..	Sept. 2	Same subject: Reports that he has been unable to find further information in the records of the legation.	23
11	Mr. Wharton to Mr. Shannon.	Sept. 26	Same subject: Incloses correspondence exchanged with the legation of the United States in the case.	24
21	Mr. Blaine to Mr. Shannon..	Nov. 20	Same subject: Sets forth the reparations agreed to by the Government of Salvador, which have been partially complied with, and instructs him to present at once the claim for loss of personal and United States property, and for damages on account of personal injuries, according to estimates submitted by Mr. Myers.	24
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45	Mr. Shannon to Mr. Blaine..	Jan. 7	Same subject: Incloses his note presenting the claim as instructed and reply of the minister for foreign affairs acknowledging its receipt.	27
58	Same to same	Jan. 30	Same subject: The minister for foreign affairs, while admitting that indemnity should be paid for property destroyed, contends that the amount should not be determined by the injured party and offers explanations of the interference with Mr. Myers's official communications and free departure from the country.	30
44	Mr. Blaine to Mr. Shannon..	Feb. 15	Same subject: Acknowledges the receipt of No. 45, above.	33
53	Same to same.....	Apr. 6	Same subject: Discusses the reply of the minister for foreign affairs submitted in No. 58, above; the amount of indemnity should not be determined by the local courts, owing to the official status of Mr. Myers, but by direct negotiations between the legation and the Salvadorean Government. Renews its protest against the interference with Mr. Myers's official communications and movements..	34
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220	Mr. Shannon to Mr. Foster.	Oct. 13	Right of asylum: Judgment of the criminal court of Rivas, Nicaragua, dismissing the case brought in 1885 against Capt. McCrae, of the American steamer Honduras, for sailing without permit after refusing to surrender Don José Dolores Gamez, a political refugee, embarked in Guatemala, on the ground that the demand of surrender was not justifiable.	45
111	Mr. Foster to Mr. Shannon.	Nov. 3	Claim of Henry R. Myers: The United States insists that it must have a voice in determining the amount due, and could only accept that recommended by the court if it is reasonable. The proposition of arbitration on the question of personal injuries is not justified by the requirements of the case.	49

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1453	Same to same.....	Jan. 5	Same subject: Inability of the rebels to cope with the Imperial forces.	83
1454	Same to same.....	Jan. 11	Same subject: The Tsung-li yamên has instituted an inquiry into the conduct of the general referred to in dispatch No. 1451.	83
697	Mr. Blaine to Mr. Denby....	Jan. 29	Same subject: Expression of the satisfaction felt at the suppression of the revolt.	84
1463	Mr. Denby to Mr. Blaine....	Jan. 30	Events in China during the year 1891: General review presented.	84
1464	Same to same.....	Jan. 30	Insurrection in Mongolia: Decree meting out punishment of officials found guilty of neglect or misdemeanor, upon the inquiry referred to in dispatch No. 1454.	86
1470	Same to same.....	Feb. 1	Same subject: Account of the rebellion by a Chinese priest, printed in the North China News.	87
701	Mr. Blaine to Mr. Denby....	Feb. 11	Missionary troubles at Chinanfu: Letter from the Board of Foreign Missions of the Presbyterian Church appreciative of Mr. Denby's good offices.	89
1484	Mr. Denby to Mr. Blaine....	Mar. 5	Antiforeign publications: A copy of "A Complete Picture Gallery" is inclosed as showing the method of working popular prejudice. Such publications are not sufficiently restrained by the Chinese Government.	90
1485	Same to same.....	Mar. 5	Riots against foreigners: Punishment of the rioters at Wuhu.	91
1490	Same to same.....	Mar. 14	Antiforeign publications: Meeting of residents at Shanghai on the subject. It is believed that direct action by the foreign governments is necessary, and that popular feeling is aroused as much by discontent with foreign intercourse as by religious motives.	92
1492	Same to same.....	Mar. 21	Insurrection in Mongolia: Review of the incidents of the revolt now extinct. Decree inflicting punishment on officials guilty of neglect.	96
1495	Same to same.....	Mar. 22	Likin (internal taxation) and its injurious effect upon foreign trade: Complaints of consuls at Canton against officers of the likin. The foreign representatives will demand the maintenance of the transit passes system to which the likin is antagonistic.	97
1496	Same to same.....	Mar. 22	Discrimination against foreign shipping at Canton by a reduction of duties on goods carried in Chinese junks. The spirit of the treaty of 1880 is thereby violated. The British minister has protested and thinks the order will be rescinded.	99
1499	Same to same.....	Mar. 29	Insurrection in Mongolia: Thanks of the Chinese Government for the President's congratulations.	100
1501	Same to same.....	Mar. 29	Likin: Joint note protesting against the abuses of the system referred to in dispatch No. 1495.	100
1509	Same to same.....	Apr. 5	Riot at Chik-Horn: A chapel of the American Presbyterian mission and the house of the native preacher looted by a mob.	101
1513	Same to same.....	Apr. 10	Likin: The Chinese Government denies hostility on the part of the Canton authorities and asserts that transit passes are always granted to *bona fide* applicants, whether Chinese or foreigners.	102
1514	Same to same.....	Apr. 12	Antiforeign publications at Hunan: Note to the tsung li yamên urging their suppression.	103
1515	Same to same.....	Apr. 13	University of Peking: Establishment of the Christian, by the Methodist mission.	104
1516	Same to same.....	Apr. 15	Antiforeign placards at Hukuang: Reply of the taotai of Hankow to the protest of the consuls, in which he states that the posting of anonymous placards is prohibited, and insists that foundlings should not be received by the missionaries.	105
725	Mr. Blaine to Mr. Denby...	May 17	Chinese immigration: Treasury circular of May 7 accompanying the act to prohibit the coming of Chinese persons into the United States transmitted for Mr. Denby's information.	106

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
1534	Mr. Denby to Mr. Blaine ...	May 18	Consular jurisdiction in China is, in his opinion, applicable to a subordinate officer of the consulate. Case of Deputy-marshal Frame, who shot and killed George Lemon, an American citizen. The consul-general at Shanghai so advised.	113
1535	Same to same.....	May 23	Antiforeign publications in Hunan: The taotai Chou Han has been degraded in consequence of his note given in dispatch No. 1514.	115
1537	Same to same.....	May 18	Riots at Fukien. Newspaper's report of the destruction of British missionary establishments.	115
1539	Same to same.....	June 4	Antiforeign publications at Hunan. The offenders have been punished; the taotai Chou Han is partly exonerated on the plea of insanity.	117
1540	Same to same.....	June 6	Missionary troubles at Chinanfu have been promptly and satisfactorilly adjusted.	118
1542	Same to same.....	June 17	Chinese immigration. The tsung-li yamên requests Mr. Denby to ascertain whether the bill forbidding the immigration of Chinese has been approved by the President.	118
1544	Same to same.....	June 20	Same subject: The tsung-li yamên has been notified by him that the bill has been approved and that a copy of the act will be communicated to it.	129
1546	Same to same.....	June 28	Antiforeign publications in Hunan: Transmits the report and decree referred to in dispatch No. 1546; calls attention to the fact that the right to preach is therein recognized.	120
1553	Same to same.....	July 5	Chinese immigration: The tsung-li yamên has been furnished with copies of the acts of 1892, 1882, 1881, and 1888.	123
736	Mr. Wharton to Mr. Denby.	July 7	Consular jurisdiction over a subordinate officer of the consulate: Mr. Denby's opinion on the subject as expressed in his dispatch No. 1534 is approved.	123
737	Mr. Foster to Mr. Denby....	July 18	Passport application of Rev. John R. Hykes may be issued if the declaration is confined to a statement that his employment in China by an American society makes his return uncertain and the retention of domicile in the United States impracticable. Requirements in counties where citizens remain under the jurisdiction of the United States may be made less stringent.	124
1562	Mr. Denby to Mr. Wharton .	July 27	Antiforeign placards, translation of one, posted in the province of Hu-Nan.	125
1569	Mr. Denby to Mr. Foster ...	Aug. 17	Chinese immigration: The tsung-li yamên's criticism of the several sections of the act forbidding the, as conflicting with existing treaties, international law, and the Constitution of the United States; the Executive requested to take steps for its repeal; Mr. Denby's defense of the act from a legal standpoint.	126
1584	Same to same.....	Sept. 27	Memorial of the Chinese minister at Washington to the throne: Mr. Denby disputes points therein advanced as to the nonintervention of the United States minister in representations against China during the riots, and quotes the parts relating to the anti-Chinese policy of the United States without comment.	131
754	Mr. Wharton to Mr. Denby.	Oct. 18	Missionary troubles at Shensi: Incloses the report of the United States consul-general at Shanghai concerning the mutilation of European missionaries and native Christians.	133
1600	Mr. Denby to Mr. Foster....	Nov. 3	Chinese immigration: Report of an interview with Viceroy Li Hung Chang in which this question and that of the participation of China in the Columbian Exposition are discussed.	134
1607	Same to same.....	Nov. 29	Same subject: The tsung-li yamên makes further representations against the act of 1892, based on the alleged violation of the most favored nation clause of the treaty of 1880, and renews its request for the repeal of the act.	136
765	Mr. Foster to Mr. Denby....	Dec. 12	Same subject: Correspondence with the Chinese legation on the subject transmitted for Mr. Denby's information.	138

CORRESPONDENCE WITH THE CHINESE LEGATION AT WASHINGTON.

No.	From and to whom.	Date.	Subject.	Page.
		1891.		
	Mr. Tsui to Mr. Blaine.....	Oct. 26	Molestations on Chinese by Treasury officials at Whidbey Island: Calls attention to certain, which have been reported to him by white residents of the island, whose letter he incloses.	138
	Same to same.....	Nov. 27	Immigration of merchants and other Chinese of the exempt class: The certificate agreed upon between the two governments having been ignored by the customs authorities of San Francisco in cases where fraud was suspected, he has received assurances that no fraud is permitted and asks that the certificates be hereafter recognized.	139
	Mr. Blaine to Mr. Tsui.....	Dec. 8	Molestations on Chinese at Whidbey Island: Incloses Treasury reports and letter of white residents denying statements of illegal arrests and other facts presented in the note of October 26, above.	140
		1892.		
	Mr. Pung to Mr. Blaine.....	Feb. 5	Outrages on Chinese at Butte City, Mont.: Transmits the substance of a report received from the Chinese consul-general at San Francisco and requests the intervention of the Government.	142
	Mr. Blaine to Mr. Pung.....	Feb. 8	Same subject: The governor of Montana has been requested to investigate and the above note communicated to the Attorney-General.	143
	Mr. Wharton to Mr. Tsui ..	Mar. 4	Same subject: Incloses report of the governor of Montana and announces the punishment of one of the offenders.	143
	Mr. Tsui to Mr. Blaine	Mar. 22	Exclusion of Chinese: Requests a reply to various notes of the legation in relation to acts of the United States Congress forbidding the immigration of Chinese.	145
	.....	.....	Antiforeign placards: Circular instructions of the Chinese Government to prohibit the posting of, and prescribing punishment for, the offense (left at the Department on March 24).	146
	Mr. Blaine to Mr. Tsui.....	Mar. 29	Same subject: Acknowledges the receipt of the above.	147
	Mr. Tsui to Mr. Blaine.....	Apr. 12	Chinese immigration: Argues that the bill forbidding the coming of Chinese to the United States violates every article of the treaty of 1880, made in accordance with the wishes of the Government of the United States. Incloses a statement of the collector of customs at San Francisco showing that departures of Chinese have largely exceeded arrivals in the last seven years.	147
	Same to same.....	Apr. 21	Same subject: Urges under telegraphic instructions from his Government that action be taken for the preservation of treaty rights.	149
	Same to same.....	May 5	Same subject: Adverts to the decision of the Supreme Court in the case of the "Scott" bill and to remarks of United States Senators, illustrates the hardship and injustice to Chinese created by the new bill, and expresses the belief that the President will not sanction a violation of treaties.	149
	Same to same.....	Nov. 7	Same subject: Renews arguments heretofore presented and presents a request that the views and intentions of the Government of the United States be communicated to him.	151
	Same to same.....	Nov. 11	Same subject: Incloses a copy of the note addressed by the tsung li yamen to the United States minister at Peking and requests a reply to this and his other notes on the same subject.	155
	Mr. Wharton to Mr. Tsui ...	Dec. 10	Same subject: Reply to notes of November 7 and 11. Allusion is made to the failure of the treaty of 1888 and to the restrictions imposed, and attacks made on Americans in China; the act of 1892 fills the place of expiring legislation and aims at continuing the existing condition of affairs and at permitting Chinese already in the United States to remain; its unconstitutionality, as alleged, can only be determined by the judiciary branch of the Government; the Executive can only endeavor to bring about some understanding based on the suspension of immigration.	158

FRANCE.

No.	From and to whom.	Date.	Subject.	Page.
		1891.		
460	Mr. Reid to Mr. Blaine.	Dec. 11	Hog products: Removal of the prohibition of; reviews the negotiations carried on to secure it, and incloses the decree of removal.	162
		1892.		
477	Same to same.....	Jan. 6	Washington's relic: Presentation of a pair of eyeglasses to the United States by Count d'Assailly, a descendant of Lafayette.	164
391	Mr. Blaine to Mr. Reid.	Jan. 27	Same subject: Appreciation of the gift above referred to.	165
2	Mr. Blaine to Mr. Coolidge...	June 4	Liberia: Protectorate of France declared over territory belonging to. Adverting to the protection always accorded to Liberia by the United States, and her recognition as a sovereign state by the Berlin Conference, declares that such protectorate as will cover territory belonging to Liberia will not be recognized by the Government of the United States.	165
26	Mr. Coolidge to Mr. Foster.	July 22	Same subject: Incloses his note to the minister for foreign affairs in accordance with the instructions above.	168
65	Mr. Foster to Mr. Coolidge..	Aug. 18	Same subject: The minister of the United States at London has been instructed to send to him certain papers and maps relating to the matter.	168
77	Mr. Coolidge to Mr. Foster..	Nov. 12	Passport application of Mr. Maurice Hubbard: It has been renewed with no further indication of his intention to return than a statement by his guardian that he is endeavoring to secure a position in the United States.	168
119	Mr. Foster to Mr. Coolidge..	Dec. 9	Same subject: The passport may be issued for one year only, but not renewed if declared intention of return is not carried into effect; proof of citizenship can only be developed in correspondence which would take place in the event of the validity of the passport being disregarded.	169

CORRESPONDENCE WITH THE FRENCH LEGATION AT WASHINGTON.

		1891.		
	Mr. Desprez to Mr. Blaine..	Nov. 3	Protectorate over and annexation of territory belonging to Liberia: Gives notice of treaties with native kings recognizing the French,	170
		1892.		
	Mr. Patenôtre to Mr. Blaine.	Jan. 26	Same subject: Notification of additional treaties.	171
	Mr. Wharton to Mr. Patenôtre.	June 8	Same subject: Remarks that the territory above referred to belongs to Liberia and informs the French minister that an instruction on the subject has been sent to the United States minister at Paris.	171
	Mr. Patenôtre to Mr. Wharton.	June 19	Insult to French flag at Jeannette, Pa., by a policeman named Thos. Spiers, who tore down from the window of a French resident two flags displayed on Decoration Day, and then threw them in the mud. Requests the dismissal of the policeman.	172
	Mr. Wharton to Mr. Patenôtre.	June 24	Same subject: The matter has been presented to the governor of Pennsylvania.	173
	Mr. Foster to Mr. Patenôtre.	July 13	Same subject: The reports transmitted by the governor of Pennsylvania show that no intention of insulting the flag existed even on the part of the policeman. The incident is nevertheless regretted, and request has been made for some punishment of the offender.	174
	Same to same.....	Aug. 16	Same subject: The punishment of Policeman Spiers is delayed by the fact that it can be inflicted only by the court of quarter sessions, which is not sitting at present.	175
	Same to same. (Telegram)..	Aug. 26	Same subject: Announces the dismissal of Police Officer Spiers, who, being an elective officer, could not be summarily dismissed.	176
	Mr. Desprez to Mr. Foster..	Sept. 27	Same subject: The satisfaction as accorded is appreciated by his Government.	176

GERMANY.

No.	From and to whom.	Date.	Subject.	Page.
		1891.		
329	Mr. Blaine to Mr. Phelps....	Nov. 11	Military service of Charles E. Heintzman, a naturalized citizen, summoned to report for duty or suffer the penalty: Instructions to bring the matter to the attention of the German Government.	177
		1892.		
384	Mr. Coleman to Mr. Blaine..	Jan. 26	Passport application of Mr. Julius C. Eversmann, born in the United States of a German father: He has never resided in the United States since he was 4 years old, and can not swear as to his intention of returning. The application has been denied, pending decision of the Department.	179
366	Mr. Blaine to Mr. Coleman..	Feb. 17	Same subject: The refusal of a passport is approved for stated reasons.	179
391	Mr. Coleman to Mr. Blaine..	Feb. 20	Military services of Charles E. Heintzman: The German Government claims that Heintzman is still under his German allegiance, the contention being that the treaties of 1868 do not apply to Alsace-Lorraine, but a petition for pardon would be considered.	180
391	Mr. Blaine to Mr. Phelps....	Apr. 6	Same subject: Petition of Heintzman above referred to is transmitted.	182
418	Mr. Phelps to Mr. Blaine....	Apr. 8	Passport application of Ludwig Henckel: Born in the United States, but taken abroad when but 1 year old by his father, who only declared his intention to become a citizen. The son declares it to be his intention to return to the United States.	184
404	Mr. Blaine to Mr. Phelps....	Apr. 18	Passport issued to Alexander Block by the legation: His long residence abroad and remote intention of return call for some explanations of the grounds on which it was granted.	184
405	Same to same.....	Apr. 18	Patents sought by United States citizens in Germany: Directs him to make inquiries as to necessary steps to be taken for the protection of American inventors, who complain that their patents are of doubtful validity, by reason of a requisite publication in the Imperial Gazette being delayed.	185
409	Same to same.....	Apr. 28	Same subject: The Patent Office advises that the above referred to publication be earnestly urged.	186
434	Mr. Phelps to Mr. Blaine...	Apr. 29	Passport issued to Alexander Block: It was granted on the ground that Block was not responsible for his being brought abroad while a minor, and subject to the condition that he would return to the United States before reaching majority.	188
435	Same to same.....	Apr. 29	Patents sought by United States citizens in Germany: The German Government waits for the completion of negotiations at Washington before issuing the notice referred to in instructions No. 405.	189
412	Mr. Blaine to Mr. Phelps...	May 3	Passport application of Ludwig Henckel may be granted upon his taking the oath as to his intention to return to the United States; but he should be warned that the passport will not prejudice claims of the German Government to his allegiance.	189
420	Same to same.....	May 19	Patents sought by United States citizens in Germany: Incloses correspondence exchanged with German legation regarding a patent and trademarks convention, and requests him to bring the counter propositions of the United States in the matter to the attention of the German Government.	190
421	Same to same.....	May 19	Passport issued to Alexander Block: The explanations offered in dispatch No. 434 are satisfactory, but under the circumstances no protection could be extended to Mr. Block, if he was called to do military service in the event of his remaining in that country.	191
447	Mr. Phelps to Mr. Blaine....	May 22	Patents sought by United States citizens in Germany: Incloses notes exchanged with the foreign office pursuant to instructions No. 409.	191
433	Mr. Wharton to Mr. Phelps.	June 10	Same subject: The statements of the German Government presented in dispatch No. 447 have already been met in instructions No. 420.	192

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
435	Mr. Wharton to Mr. Phelps.	June 15	Patents: Quotes approvingly from a letter addressed to the Department by Messrs. Richards & Co., and directs him to impress upon the German Government the desirability of making the requisite publication.	193
460	Mr. Phelps to Mr. Wharton.	June 30	Same subject: Incloses note requesting the requisite publication in the Imperial German Gazette.	194
477	Same to same.....	Aug. 28	Same subject: The German Government contends that the facts do not justify the insertion in the Gazette of a notice recognizing that reciprocity is granted by the United States, and has instructed its minister at Washington as to its views in the matter.	194
465	Mr. Adee to Mr. Phelps.....	Sept. 5	Same subject: Forwards further complaints from interested parties, and instructs him to inform the German Government that retaliatory legislation has already been considered and may be carried at the next session of Congress.	195
469	Mr. Foster to Mr. Phelps...	Sept. 14	Same subject: The Department awaits a communication from the German representative at Washington before replying to dispatch No. 477.	197
487	Mr. Phelps to Mr. Foster...	Sept. 22	Same subject: The German Government prefers to have the negotiations conducted in Washington.	197
478	Mr. Adee to Mr. Phelps....	Oct. 7	Same subject: Incloses for his information the note received from the German representative setting forth the reasons advanced by the German Government. Further action by Mr. Phelps is thereby estopped, but unless an agreement is concluded before the meeting of Congress in December, the Government of the United States will not submit to a denial of its citizens' right.	197
496	Mr. Foster to Mr. Phelps...	Nov. 18	Liquor and arms traffic with natives of the Pacific islands: Explains the attitude of the United States Government in regard to the restrictions proposed by the British Government; the proposal will be concurred in under minor reservations.	198
510	Mr. Phelps to Mr. Foster...	Nov. 29	Military service case of John Haberacker: The said Haberacker deserted in March, 1891, and the Bavarian Government, while maintaining its position on the question, declines to further discuss this particular case.	199

CORRESPONDENCE WITH GERMAN LEGATION AT WASHINGTON.

		1891.		
	Mr. von Mumm to Mr. Blaine	Nov. 3	Patents and trade-marks: Draft of convention proposed by the German Government for the reciprocal protection of, accompanied by the German laws bearing upon the matter.	200
		1892.		
	Mr. Wharton to Mr. von Holleben.	Mar. 10	Same subject: The agreement above referred to is accepted by the Department of the Interior, except Article 3, for which a substitute is offered. Report of the Pension Office on the question inclosed.	214
	Mr. Ketteler to Mr. Foster..	Sept. 15	Same subject: With reference to the correspondence exchanged at Berlin on the matter, points to certain differences existing between the patent laws of both countries which make it impossible to grant reciprocity, as demanded, and hopes that pending agreement will be eventually concluded.	217
	Same to same	Oct. 21	Columbus Centennial: Congratulations of the Emperor of Germany to the President on the occasion of the four hundredth anniversary of the discovery of America.	219
	Mr. Foster to Baron von Ketteler.	Oct. 21	Same subject: The President wishes to have the feelings of pleasure and gratification with which the above message was received conveyed to the Emperor.	219

GREAT BRITAIN.

No.	From and to whom.	Date.	Subject.	Page.
		1891.		
475	Mr. Lincoln to Mr. Blaine ..	June 17	Copyright can be secured in Great Britain by first or contemporaneous publication in any part of the British Empire, without residence being made a condition.	220
477	Same to same.....	June 20	Same subject: The note conveying the above information has been amended so as to avoid any question in regard to the words "British" and "English."	221
488	Same to same.....	July 3	Same subject: The British Government has been advised that the proclamation of July 1 includes British subjects.	222
656	Mr. Blaine to Mr. Lincoln ..	Dec. 19	Same subject: Refusal of Canada to grant protection to citizens of the United States, for reasons stated in a letter submitted by Messrs. Mun & Co., has been made the subject of a note to the British legation, and should be brought to the attention of the foreign office.	222
		1892.		
594	Mr. Lincoln to Mr. Blaine ..	Jan. 9	Same subject: The matter above referred to has been brought to the attention of the minister of foreign affairs, who promised to give it consideration.	223
	Mr. Blaine to Mr. Lincoln (telegram).	Jan. 14	Death of the Duke of Clarence and Avondale: Condolences of the President.	224
595	Mr. Lincoln to Mr. Blaine ..	Jan. 15	Copyright: Refusal of Canada to grant protection to citizens of the United States. The secretary of state for the colonies has been requested to obtain a report from the Canadian government.	225
677	Mr. Blaine to Mr. Lincoln ..	Jan. 22	Same subject: Course of Mr. Lincoln approved.	225
597	Mr. Lincoln to Mr. Blaine ..	Jan. 23	Death of the Duke of Clarence. Condolences of the President have been communicated to the foreign office.	225
604	Same to same.....	Feb. 2	Same subject: Note of acknowledgment transmitted.	226
650	Same to same.....	Apr. 29	Passport application of Sigmund Ehrenbacher, who was born in the United States, taken abroad when a minor, and can not determine date of his return to the United States.	226
754	Mr. Blaine to Mr. Lincoln...	May 12	Same subject: The passport might be issued for two years, not to be renewed unless definite intention to return is then established, if Mr. Ehrenbacher, who is not residing in the country of his paternal allegiance, can dispel or lessen the impression that he has no present intention to return.	227
761	Same to same.....	May 20	Copyright: With reference to inquiries received from Australia, declares that the proclamation of July 1 applies to all British possessions, and again refers to the refusal of Canada to grant protection to citizens of the United States.	227
806	Mr. Foster to Mr. Lincoln...	July 12	Liberia: Protectorate established by France over part of her territory. Instructs him to make the attitude of the United States in the question known to the Government of Great Britain, which has expressed a desire to be informed on this point before taking action, and also to ascertain whether an alleged understanding between France and Great Britain as to the division of Liberia's inland territory.	229
733	Mr. Lincoln to Mr. Foster...	July 27	Passport denied to Theodore Rosenberg, bearer of one issued by the Department in 1890, but was found to have been born abroad of a father whose certificate of naturalization could not be produced.	230
735	Same to same.....	Aug. 5	Liberia: Replying to Instructions No. 806, reports an interview with the minister of Liberia, who writes that a certain part of the inland territory under the sway of a native king at war with France would be annexed by France, with the assent of Great Britain, in the event of his being conquered.	231
833	Mr. Foster to Mr. Lincoln...	Aug. 10	Passport of Theodore Rosenberg: The records show that he was born abroad prior to his father's naturalization, which would not confer citizenship unless he himself resided in the United States during minority; but if he actually intends to reside abroad, a passport should be refused under any circumstances.	233
840	Same to same.....	Aug. 28	Liberia: A copy of dispatch No. 735 has been sent to the minister of the United States at Paris.	234

GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
906	Mr. Foster to Mr. Lincoln ..	Oct. 6	Chinese immigration via Canadian Pacific Railroad: Adverting to correspondence exchanged with the British legation on the subject, directs him to submit it to the foreign office and to inquire whether the declaration of the Canadian government that it does not charge itself with enforcing measures of restriction of other governments is to be taken as a declination to consider a treaty regulating the emigration of Chinese over the frontier.	234
801	Mr. White to Mr. Foster ...	Oct. 19	Passport of Sigmund Ehrenbacher has been issued on his assurance that he was to open an office in New York.	235
815	Same to same	Oct. 31	Chinese immigration via Canadian Pacific Railroad: The matter has been submitted to the foreign office which has taken it into consideration.	236
951	Mr. Foster to Mr. White....	Nov. 5	Annexation of the Gilbert Islands by Great Britain: Adverting to the discourtesy shown to the United States consular representative at Butaritari, to the previous labors of Americans in the island, and to the protection of the United States solicited by the rulers, expresses the desire that the rights of United States citizens will be respected and the consular representative recognized.	237
838	Mr. White to Mr. Foster ...	Nov. 16	Copyright, refusal of, to United States citizens in Canada: Reply of the foreign office asserting that a work simultaneously produced in the United States and Canada is entitled to copyright, and that remedy against refusal can be had in London under the English copyright act.	240
841	Same to same	Nov. 21	Annexation of the Gilbert Islands by Great Britain: Note addressed to the foreign office in accordance with instructions No. 951.	241
970	Mr. Foster to Mr. White...	Nov. 21	Pago Pago Harbor: Rights of the United States, as established by the treaty of 1878 and affirmed by subsequent treaties between Samoa and Germany and Great Britain, are asserted, and, in view of a British expedition to the island, declares that the establishing of a station at Pago Pago would be regarded as an unfriendly act.	243
846	Mr. White to Mr. Foster ...	Nov. 26	Annexation of the Gilbert Islands by Great Britain: The rights of United States citizens will be respected, and the complaints as to Capt. Davis's acts considered.	246
852	Same to same	Nov. 30	Pago Pago Harbor: Instructions No. 970 have been communicated to the foreign office.	246
988	Mr. Foster to Mr. White....	Dec. 7	Annexation of the Gilbert Islands: Transmits the complaint proffered by A. J. Kustel, of Butaritari, against Capt. Davis of arbitrary conduct towards him.	247
865	Mr. White to Mr. Foster ...	Dec. 10	Same subject: Orders have been issued to recognize the United States consular agent.	249
869	Same to same	Dec. 12	Same subject: Incloses note from the minister for foreign affairs as to the recognition of the United States representative on the islands.	249

CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON.

	Mr. Wharton to Sir Julian Pauncefote.	Oct. 10	Tolls on Canadian canals: Transmits a complaint of the Lake Carriers' Association of Buffalo, as to discriminations against United States citizens, in violation of the treaty of 1871, and requests early consideration thereof.	250
	Sir Julian Pauncefote to Mr. Wharton.	Oct. 12	Same subject: The matter will be brought to the attention of the British Government.	254
	Sir Julian Pauncefote to Mr. Blaine.	Nov. 25	Chinese crew of a British vessel: Upon information received from Baltimore that they will be liable to arrest on landing, claims that, in accordance with United States jurisdiction, they are entitled to the privileges of British sailors.	255

CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1891.		
	Sir Julian Pauncefote to Mr. Blaine.	Nov. 25	Immigration act of 1891: Transmits a complaint from Boston as to hardship imposed by its interpretation there, and asks that passengers who are not allowed to land be taken in charge by the port authorities until the ship is ready to proceed on her return voyage.	255
	Mr. Wharton to Sir Julian Pauncefote.	Nov. 28	Chinese crew of a British vessel: The matter has been referred to the Treasury Department.	257
	Mr. Blaine to Sir Julian Pauncefote.	Nov. 30	Immigration act of 1891: The matter of the note from the legation, of November 25, has been referred to the Treasury Department.	257
	Same to same	Dec. 19	Copyright: Refusal of, in Canada, to United States citizens. Calls attention to the fact that, despite the assurances on which the President's proclamation was founded, the government of Canada declines to grant to United States citizens the privileges accorded to British subjects under the international copyright act. Documents inclosed.	257
	Sir Julian Pauncefote to Mr. Blaine.	Dec. 22	Same subject: The above note has been forwarded to the Marquis of Salisbury and to the governor-general of Canada.	266
		1892.		
	Same to same	Jan. 5	Immigration (assisted) of John Gibbons and his family who have been ordered to be returned: Explains that Gibbons is an army pensioner and can not be considered as a pauper, and asks that the order be suspended.	266
	Mr. Blaine to Sir Julian Pauncefote.	Jan. 7	Same subject: Orders have been issued to detain Gibbons for further investigation.	267
	Sir Julian Pauncefote to Mr. Blaine.	Jan. 8	Same subject: Furnishes particulars as to the circumstances of Gibbons and the mode of commuting pension under which he was advanced the amount of his passage.	267
	Same to same	Jan. 14	Death of the Duke of Clarence and Avondale announced.	268
	Mr. Blaine to Sir Julian Pauncefote.	Jan. 14	Same subject: Expressions of sympathy	268
	Sir Julian Pauncefote to Mr. Blaine.	Jan. 19	Immigration assisted of John Gibbons: Wishes to be informed of the decision reached in the case.	268
	Mr. Blaine to Sir Julian Pauncefote.	Jan. 22	Same subject: The order to have Gibbons and his family returned to Great Britain has been rescinded by the Treasury Department, which, however, desires it to be understood that its action shall not be taken as establishing a precedent in similar cases for the future.	269
	Sir Julian Pauncefote to Mr. Blaine.	Jan. 28	Same subject: Thanks expressed for the above decision.	271
	Same to same	Jan. 29	Immigration act of 1891: Recalls the matter presented in his note of November 25.	271
	Same to same	Mar. 8	Immigration, assisted, of John Gibbons: Incloses statement from the War Office as to requirements to be met by commuted army pensioners before they are allowed to emigrate.	272
	Mr. Wharton to Sir Julian Pauncefote.	Mar. 17	Tolls on Canadian Canals: Facts and figures furnished by the Lake Carriers' Association relating to discriminations against United States citizens.	272
	Sir Julian Pauncefote to Mr. Wharton.	Mar. 21	Same subject: The above note has been transmitted to the governor-general of Canada.	273
	Mr. Blaine to Sir Julian Pauncefote.	Apr. 15	Immigration act of 1891: The Treasury Department is having under consideration the subject matter of the legation's note of November 25, and submits a report of the United States immigration Commissioner at Boston.	274
	Same to same	May 2	Inimigration, assisted: With reference to the legation's note of March 8, the Treasury Department states that no discrimination will be made against commuted pensioners as such, but that the law will be applied to them when they come within the purview of the act.	276
	Same to same	May 23	Wrecking privileges in conterminous waters: Requests a copy of the act said to have been passed by the Canadian Parliament.	277
	Sir Julian Pauncefote to Mr. Blaine.	June 1	Tolls on Canadian Canals: Announces the departure of Messrs. Bowell and Foster for Washington, with a view to discuss the question of alleged discriminations against United States citizens.	277

CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
	Mr. Herbert to Mr. Foster..	Sept. 29	Chinese immigration via the Canadian Pacific Railroad: The Canadian government absolutely denies the allegations presented in the Department's note of August 10, and while disposed to the utmost friendliness can not charge itself with enforcing measures adopted by a foreign government.	309
	Same to same.....	Oct. 2	Same subject: The vice-president of the Canadian Pacific Railway Company emphatically denies the allegations brought against the company, furnishing particulars and statistics.	310
	Mr. Foster to Mr. Herbert..	Oct. 3	Same subject: The denial of the Canadian Pacific Railway Company is gratifying and was anticipated by further information received on the subject; exception is taken to the language of the minutes of the privy council; the inaction of the Canadian government in regard to the proposed treaty forbidding the immigration of Chinese over the border is regretted; it afforded a basis for the complaint of indifference on the part of Canada; contrast between the attitude of the two governments.	316
	Same to same.....	Oct. 4	Fisheries in contiguous waters: Submits a proposition to reach an agreement by exchange of notes with a view to their protection.	317
	Same to same.....	Oct. 4	Chinese immigration via the Canadian Pacific Railroad: Acknowledgment of the legation's note of October 2.	320
	Mr. Foster to Mr. Herbert..	Oct. 11	Liquor and arms traffic in the Pacific Islands: The United States Government acquiesces in the general principle of protecting the natives against the evil results of the trade; states the attitude of the United States in the question, presents certain objections to some of the provisions presented, and remarking that the matter is subject to the action of Congress, wishes to be informed of the views expressed by other governments.	320
	Sir Julian Pauncefote to Mr. Foster.	Nov. 15	Chinese immigration from Canada: Deprecates the imputation of indifference in the consideration of the treaty proposed by the the United States; the question is beset with great difficulties and will again be pressed on the attention of the Canadian government.	322
	Mr. Foster to Sir Julian Pauncefote.	Dec. 1	Same subject: The assurances contained in the above note are received with pleasure, but the imputation was justified by the failure of the Canadian government for two years to respond to the proposals for an agreement.	324
	Sir Julian Pauncefote to Mr. Foster.	Dec. 5	Fisheries in contiguous waters: The proposals for their protection presented in the Department's note of October 4 are acceptable to the Canadian government.	324
	Mr. Foster to Sir Julian Pauncefote.	Dec. 6	Same subject: Acknowledges the above as completing the proposed agreement on the strength of which Mr. Rathbun has been appointed representative of the United States for the purposes of the stipulated joint investigation.	326
	Sir Julian Pauncefote to Mr. Foster.	Dec. 10	Tolls on Canadian canals: Incloses minutes of the privy council embodying a memorandum of the department of railway and canals in which the points made in the Department's note of August 24 are severally and specifically disputed, and the hope expressed that the proposal of Canada may still be accepted.	327
	Same to same.....	Dec. 14	Wrecking privileges in conterminous waters: Regulations proposed by the Canadian government concerning their use by United States wrecking vessels in the Welland Canal.	331
	Mr. Foster to Sir Julian Pauncefote.	Dec. 28	Same subject: Objections are presented to certain restrictions involved by the proposed regulations; submits as the simplest and most acceptable solution that the Canadian wrecking act be extended to the Welland Canal.	333
	Same to same.....	Dec. 31	Tolls on Canadian canals: Refutation of the points advanced by the Canadian government in the legation's note of December 10, as to the President's proclamation being issued after receipt of its proposition, as to Canadian vessels being refused the use of canals in the State of New York, and as to the results reached in the	335

CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom	Date.	Subject.	Page.
	Mr. Foster to Sir Julian Pauncefote—Continued.	1892. Dec. 31.	February conference. The proposition, as presented, is inadmissible, and rights conferred upon United States citizens by treaty can not be purchased by concessions which the same treaty does not call for.	

GREECE.

7	Mr. Beale to Mr. Foster.....	1892. Nov. 17	Cholera in Persia: The exertions of Vice-Consul Fox and of the American missionaries to relieve the sufferers have restored faith in foreigners and enhanced American prestige.	341

HAWAII.

33	Mr. Blaine to Mr. Stevens...	1891. Nov. 27	Death of the Hawaiian minister, H. A. P. Carter: Condolences of and marks of respect paid by the Government of the United States.	342
44	Mr. Stevens to Mr. Blaine...	1892. Jan. 25	Chinese employed on American vessels: The fee or fine of $25 collected in each case has been abandoned on the representations of the legation; but the question of the right of the master to discharge such Chinese without giving the bond required by the law of Hawaii is opened to doubt.	342
38	Mr. Blaine to Mr. Stevens...	Feb. 25	Same subject: Expresses the opinion that no objection can be made to the regulation preventing the discharge of Chinese seamen in Hawaii, basing it on the prevalent practice in the United States.	343

CORRESPONDENCE WITH THE LEGATION OF THE HAWAIIAN ISLANDS AT WASHINGTON.

	Mr. Carter to Mr. Blaine....	1891. Nov. 1	Death of his father, H. A. P. Carter, minister of the Hawaiian Islands, and appointment of Mr. J. Mott Smith as special envoy announced.	345
	Mr. Blaine to Mr. Carter....	Nov. 3	Same subject: Conveys the President's condolences and his own; the funeral will be attended by the chief clerk of the Department.	345
	Mr. Smith to Mr. Blaine	Dec. 5	Same subject: Appreciation of the courtesies tendered at the funeral.	346
	Mr. Blaine to Mr. Smith	Dec. 9	Same subject: Acknowledges the above.....	346

HAITI.

36	Mr. Durham to Mr. Blaine..	1892. Jan. 7	Asylum at the private residence of the minister has been asked by two political refugees.	347
29	Mr. Blaine to Mr. Durham..	Jan. 28	Same subject: The practice of granting asylum has been repeatedly discountenanced by the Department, and the minister should abstain from action which might bear the appearance of inviting asylum.	347
47	Mr. Durham to Mr. Blaine..	Feb. 11	Same subject: The application of the two refugees had already been declined; they were afterwards granted asylum at the French legation.	348

CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Herbert to Mr. Foster..	1892. Sept. 29	Chinese immigration via the Canadian Pacific Railroad: The Canadian government absolutely denies the allegations presented in the Department's note of August 10, and while disposed to the utmost friendliness can not charge itself with enforcing measures adopted by a foreign government.	309
	Same to same.....	Oct. 2	Same subject: The vice-president of the Canadian Pacific Railway Company emphatically denies the allegations brought against the company, furnishing particulars and statistics.	310
	Mr. Foster to Mr. Herbert..	Oct. 3	Same subject: The denial of the Canadian Pacific Railway Company is gratifying and was anticipated by further information received on the subject; exception is taken to the language of the minutes of the privy council; the inaction of the Canadian government in regard to the proposed treaty forbidding the immigration of Chinese over the border is regretted; it afforded a basis for the complaint of indifference on the part of Canada; contrast between the attitude of the two governments.	316
	Same to same.....	Oct. 4	Fisheries in contiguous waters: Submits a proposition to reach an agreement by exchange of notes with a view to their protection.	317
	Same to same.....	Oct. 4	Chinese immigration via the Canadian Pacific Railroad: Acknowledgment of the legation's note of October 2.	320
	Mr. Foster to Mr. Herbert..	Oct. 11	Liquor and arms traffic in the Pacific Islands: The United States Government acquiesces in the general principle of protecting the natives against the evil results of the trade; states the attitude of the United States in the question, presents certain objections to some of the provisions presented, and remarking that the matter is subject to the action of Congress, wishes to be informed of the views expressed by other governments.	320
	Sir Julian Pauncefote to Mr. Foster.	Nov. 15	Chinese immigration from Canada: Deprecates the imputation of indifference in the consideration of the treaty proposed by the the United States; the question is beset with great difficulties and will again be pressed on the attention of the Canadian government.	322
	Mr. Foster to Sir Julian Pauncefote.	Dec. 1	Same subject: The assurances contained in the above note are received with pleasure, but the imputation was justified by the failure of the Canadian government for two years to respond to the proposals for an agreement.	324
	Sir Julian Pauncefote to Mr. Foster.	Dec. 5	Fisheries in contiguous waters: The proposals for their protection presented in the Department's note of October 4 are acceptable to the Canadian government.	324
	Mr. Foster to Sir Julian Pauncefote.	Dec. 6	Same subject: Acknowledges the above as completing the proposed agreement on the strength of which Mr. Rathbun has been appointed representative of the United States for the purposes of the stipulated joint investigation.	326
	Sir Julian Pauncefote to Mr. Foster.	Dec. 10	Tolls on Canadian canals: Incloses minutes of the privy council embodying a memorandum of the department of railway and canals in which the points made in the Department's note of August 24 are severally and specifically disputed, and the hope expressed that the proposal of Canada may still be accepted.	327
	Same to same.....	Dec. 14	Wrecking privileges in conterminous waters: Regulations proposed by the Canadian government concerning their use by United States wrecking vessels in the Welland Canal.	331
	Mr. Foster to Sir Julian Pauncefote.	Dec. 28	Same subject: Objections are presented to certain restrictions involved by the proposed regulations; submits as the simplest and most acceptable solution that the Canadian wrecking act be extended to the Welland Canal.	333
	Same to same.....	Dec. 31	Tolls on Canadian canals: Refutation of the points advanced by the Canadian government in the legation's note of December 10, as to the President's proclamation being issued after receipt of its proposition, as to Canadian vessels being refused the use of canals in the State of New York, and as to the results reached in the	335

CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON—Continued.

No.	From and to whom	Date.	Subject.	Page.
	Mr. Foster to Sir Julian Pauncefote—Continued.	1892. Dec. 31.	February conference. The proposition, as presented, is inadmissible, and rights conferred upon United States citizens by treaty can not be purchased by concessions which the same treaty does not call for.	
	GREECE.			
7	Mr. Beale to Mr. Foster.....	1892. Nov. 17	Cholera in Persia: The exertions of Vice-Consul Fox and of the American missionaries to relieve the sufferers have restored faith in foreigners and enhanced American prestige.	341
	HAWAII.			
33	Mr. Blaine to Mr. Stevens...	1891. Nov. 27	Death of the Hawaiian minister, H. A. P. Carter: Condolences of and marks of respect paid by the Government of the United States.	342
44	Mr. Stevens to Mr. Blaine...	1892. Jan. 25	Chinese employed on American vessels: The fee or fine of $25 collected in each case has been abandoned on the representations of the legation: but the question of the right of the master to discharge such Chinese without giving the bond required by the law of Hawaii is opened to doubt.	342
38	Mr. Blaine to Mr. Stevens...	Feb. 25	Same subject: Expresses the opinion that no objection can be made to the regulation preventing the discharge of Chinese seamen in Hawaii, basing it on the prevalent practice in the United States.	343
	CORRESPONDENCE WITH THE LEGATION OF THE HAWAIIAN ISLANDS AT WASHINGTON.			
	Mr. Carter to Mr. Blaine....	1891. Nov. 1	Death of his father, H. A. P. Carter, minister of the Hawaiian Islands, and appointment of Mr. J. Mott Smith as special envoy announced.	345
	Mr. Blaine to Mr. Carter....	Nov. 8	Same subject: Conveys the President's condolences and his own; the funeral will be attended by the chief clerk of the Department.	345
	Mr. Smith to Mr. Blaine	Dec. 5	Same subject: Appreciation of the courtesies tendered at the funeral.	346
	Mr. Blaine to Mr. Smith	Dec. 9	Same subject: Acknowledges the above.....	346
	HAITI.			
36	Mr. Durham to Mr. Blaine..	1892. Jan. 7	Asylum at the private residence of the minister has been asked by two political refugees.	347
29	Mr. Blaine to Mr. Durham..	Jan. 28	Same subject: The practice of granting asylum has been repeatedly discountenanced by the Department, and the minister should abstain from action which might bear the appearance of inviting asylum.	347
47	Mr. Durham to Mr. Blaine..	Feb. 11	Same subject: The application of the two refugees had already been declined; they were afterwards granted asylum at the French legation.	348

CORRESPONDENCE WITH THE ITALIAN LEGATION AT WASHINGTON.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
	Mr. Foster to Baron Fava..	July 1	Discovery of America, four hundreth anniversary of the: The celebration at New York is under the direction of the State and municipal authorities. The Executive will take action on the naval review to be held at New York when appropriation is made therefor.	349
	Same to same.....	July 18	Same subject: The Navy Department will tender a cordial welcome to the Italian war vessel that may be sent to New York on the occasion.	349
	Baron Fava to Mr. Foster..	July 21	Same subject: The war vessel *Bausan* will be sent to New York.	350
	The President to King Humbert (telegram).	July 21	Same subject: Acknowledges the sending of the *Bausan* as a gratifying tribute to the friendship of Italy and the United States.	350
	Mr. Foster to Baron Fava..	July 21	Same subject: Incloses a copy of the above and expresses gratification at the episode.	350
	King Humbert to the President (telegram).	July 23	Same subject: Expresses thanks for having received, as it was meant, the sending of the *Bausan* as a manifestation of friendship.	351
	Baron Fava to Mr. Foster...	July 24	Same subject: Transmits the above and conveys the friendly sentiments of the Italian Government.	351
	Same to same.....	July 30	Same subject: Invitation to the United States Navy to participate in the celebration to be held at Genoa.	351
	Same to same.....	Aug. 6	Statue of Columbus presented by Italian Americans to the city of New York will be brought on the Italian transport ship *Garigliano*. Free entry is requested.	351
	Same to same.....	Aug. 6	Discovery of America: Celebration of the four hundredth anniversary at Genoa. The King of Italy will arrive in Genoa on the 7th or 8th of September. His Government has been informed of the attendance of the United States ships *Newark* and *Bennington*.	352
	Same to same.....	Aug. 9	Same subject: His Government directs him to express the gratification of the King at the presence of the United States ships at Genoa.	352
	Mr. Foster to Baron Fava...	Aug. 10	Same subject: Rear-Admiral Benham has been instructed to proceed to Genoa with his flagship, the *Newark*, and the *Bennington*.	353
	Mr. Adee to Baron Fava....	Aug. 15	Same subject: Acknowledges Baron Fava's note of August 9.	353
	Mr. Foster to Baron Fava...	Aug. 17	Statue of Columbus will be admitted free of duty and all due courtesies extended to the *Garigliano*, her officers and crew.	354
	Baron Fava to Mr. Foster ..	Oct. 23	The flag of the United States saluted with twenty-one guns at La Spezia.	354
	Mr. Wharton to Mr. Fava ..	Oct. 25	Same subject: The courteous action of the Italian Government is duly appreciated.	354

PERSIA.

		1891.		
26	Mr. Beale to Mr. Blaine.....	Dec. 5	Real estate in Persia: The right of American citizens to hold property in their own name, which, previously to his arrival, they could not do under the Persian law, has been secured.	355
28	Same to same	Dec. 25	Same subject: Resolutions of thanks for his action, as above reported, adopted by the Presbyterian Board of Missions.	355
		1892.		
30	Same to same.....	Jan. 11	Disturbances arising from the refusal of a mollah (priest) to obey the order of the Shah and declare in the mosque that tobacco was no longer unclean, the internal monopoly of the foreign company having been abolished. The Shah orders the banishment of the mollah, but after a serious riot granted indemnity to the families of the rioters killed, amnesty to the others, and absolute abolition of the tobacco monopoly.	356

PORTUGAL.

No.	From and to whom.	Date.	Subject.	Page.
		1891.		
48	Mr. Blaine to Mr. Batcheller.	Dec. 14	Cannon of the privateer *General Armstrong*, known as "Long Tom:" At the instance of the son of Capt. Samuel C. Reid, expresses the wish that the Government of Portugal present it to the United States.	358
		1892.		
65	Mr. Batcheller to Mr. Blaine.	Feb. 25	Same subject: The Portuguese Government readily assent to have "Long Tom" delivered to any person whom he may designate.	359
63	Mr. Blaine to Mr. Batcheller.	Apr. 1	Same subject: A war vessel of the United States will be sent to Fayal to receive the cannon.	359
79	Mr. Batcheller to Mr. Blaine.	May 27	Same subject: Reports arrangements made and formalities observed for the delivery of the cannon.	360
71	Mr. Adee to Mr. Batcheller.	June 16	Same subject: The Navy Department has been informed of the delivery above reported.	361

RUSSIA.

		1891.		
132	Mr. Smith to Mr. Blaine	Dec. 8	Famine in Russia: Committee charged with general direction of work of relief for famine sufferers in the provinces organized.	362
124	Mr. Blaine to Mr. Smith	Dec. 23	Same subject: Acknowledges with approval Mr. Smith's No. 132.	362
136	Mr. Smith to Mr. Blaine	Dec. 24	Attitude of Russian Government respecting the Hebrews of the Empire: Project of the Jewish Colonization Association. Translation of memorandum read to minister of foreign affairs.	363
		1892.		
141	Same to same.....	Jan. 6	Famine in Russia: Informs Department of receipt of telegram from governor of Minnesota that Minnesota and the Northwest are preparing to donate a cargo of breadstuffs for famine-stricken people of Russia. Incloses translation of note from ministry of foreign affairs.	364
142	Same to same.....	Jan. 11	Same subject: Gives résumé of the situation, showing extent of affected districts.	366
130	Mr. Blaine to Mr. Smith	Jan. 25	Same subject: Acknowledges receipt of Mr. Smith's No. 141, regarding the acceptableness of American assistance.	369
	Same to same (telegram)....	Feb. 18	Same subject: American steamship *Indiana*, laden with flour donated by citizens of Philadelphia, will sail February 22. Asks that American consul coöperate with agent.	369
151	Mr. Smith to Mr. Blaine	Feb. 25	Same subject: Acknowledges telegram of February 18.	369
152	Same to same.....	Feb. 26	Same subject: Arrangements made for unloading of vessel and distribution of cargo.	370
	Mr. Blaine to Mr. Smith (telegram).	Feb. 26	Same subject: Regarding distribution of funds.	371
156	Mr. Smith to Mr. Blaine	Mar. 12	Same subject: Acknowledges Mr. Blaine's No. 130, a copy of which he has submitted informally to minister of foreign affairs.	371
	Mr. Blaine to Mr. Smith (telegram).	Mar. 4	Same subject: *Indiana* consigned R. W. Sargent, her captain; gives cargo.	372
	Mr. Wharton to Mr. Smith (telegram).	Mar. 14	Same subject: *Missouri* consigned Libau; gives cargo.	372
143	Same to same	Mar. 14	Same subject: Incloses copy of letter from commissioners representing States of Minnesota and Nebraska.	372
	Same to same (telegram)....	Mar. 17	Same subject: Authorizes him to draw for $995.34 and directs distribution.	372
146	Same to same	Mar. 17	Same subject: Incloses copies of two letters from Charleston, S. C., covering checks. First from the News and Courier and second from Merchants' Exchange.	373
147	Same to same.....	Mar. 17	Same subject. Acknowledges Mr. Smith's No. 156 and approves action.	373
159	Mr. Smith to Mr. Wharton .	Mar. 19	Same subject. Acknowledges receipt of telegram authorizing him to draw $995.34.	374
160	Mr. Smith to Mr. Blaine....	Mar. 23	Same subject: Reports arrival of steamship *Indiana* laden with flour and provisions, and gives detailed account of reception of American offering and transfer to Russian hands.	375

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
161	Mr. Smith to Mr. Blaine....	Mar. 24	Famine in Russia: Audience with grand duke, in which he expresses appreciation of the government and people of Russia.	376
164	Same to same.....	Apr. 1	Same subject: Audience with the Emperor who is much touched by the interest and kindness the people of the United States are showing in sending supplies to famine sufferers.	377
	Mr. Blaine to Mr. Smith (telegram).	Apr. 2	Same subject: Draw for $1,279.95 and distribute as per telegram 18th.	378
165	Mr. Smith to Mr. Blaine....	Apr. 4	Same subject: Presentation by the Emperor to Capt. R. W. Sargent, commander of steamship *Indiana*, of goblet. Goblet will be forwarded to Department of State. Requests that on receipt it be sent to mayor of Philadelphia, to be delivered by him to Capt. Sargent.	378
168	Same to same.....	Apr. 9	Same subject: Reports arrival of the steamer *Missouri* and distribution of cargo.	379
170	Same to same.....	Apr. 12	Emigration of Jews from Russia	379
171	Same to same.....	Apr. 16	Famine in Russia: Submits report of moneys and supplies distributed.	380
	Mr. Blaine to Mr. Wurts (telegram).	Apr. 29	Same subject. Sailing of *Conemaugh* from Philadelphia for Riga.	383
163	Same to same.....	Apr. 29	Same subject. Inclosed copy of letter from mayor of Philadelphia concerning shipment by the *Conemaugh*.	383
167	Same to same.....	May 7	Same subject. Incloses check from mayor of Norfolk, Va., for $167.49 and directs distribution of proceeds.	383
183	Mr. Wurts to Mr. Blaine ...	May 16	Same subject. Ukase published by Official Gazette authorizing free exportation of maize both by sea and by the western continental, also of the stock of oats in store at Archangel, Libau, Reval, and Riga.	384
171	Mr. Blaine to Mr. Wurts...	May 17	Same subject. Manager of the News and Courier of Charleston, S. C., has forwarded to Department the sum of $615.33, additional contributions received by that newspaper.	383
187	Mr. Wurts to Mr. Blaine....	May 19	Same subject. Reports arrival of *Conemaugh* at Riga on 13th instant and disposition of cargo.	385
191	Same to same.....	May 25	Same subject. Acknowledges receipt of instructions to draw on Secretary of State for $167.49, received from the mayor of Norfolk, Va. Has drawn the above sum and will distribute same, as directed. Encloses translation of a report of Count Tolstoï's relief work, published in a Russian newspaper The News.	385
178	Mr. Blaine to Mr. Wurts....	May 31	Same subject. Gives authority for Mr. Wurts to draw for $11.51 collected by public schools of Florence, S. C.	386
201	Mr. Wurts to Mr. Wharton.	June 16	Emigration of Hebrews from Russia. Encloses translation of law adopted by Imperial Government regarding same.	387
204	Mr. Wurts to Mr. Foster....	June 21	Famine in Russia. Arrival of the *Tynehead* and distribution of cargo reported.	390
223	Same to same.....	July 20	Same subject. Arrival of steamer *Leo* with 3,000,000 pounds grain and distribution of cargo.	391
224	Same to same.....	July 23	Russian emigration to America. Transmits copy and translation of article from Journal de St. Pétersbourg, relating to.	392

SPAIN.

		1887.		
217	Mr. Bayard to Mr. Strobel .	Sept. 2	Missionary troubles in Caroline Islands. Incloses correspondence reporting the unfriendly action of Spanish authorities in the case of the missionaries at Ponape, the arrest and imprisonment of Dr. Doane; instructs chargé to ascertain facts, and asks that the missionaries should be restored to their former position and that due indemnity should be paid for damage done by the local authorities to their persons and property.	394
218	Same to same.....	Sept. 5	Same subject. Incloses further correspondence in regard to the treatment of Mr. Doane.	400

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1887.		
247	Mr. Strobel to Mr. Bayard..	Sept. 19	Missionary troubles in Caroline Islands: Incloses copy of his note presenting the case to the Spanish foreign office.	404
250	Same to same.....	Sept. 30	Same subject. Reports an interview with minister of state; his friendly assurances; reported insurrection of the natives: Spanish press condemns treatment of missionaries.	406
231	Mr. Bayard to Mr. Curry ...	Oct. 29	Same subject. Incloses further correspondence in regard to the arrest of Dr. Doane. Expediency of the establishment of a United States consular agency at Ponape is being considered	407
233	Same to same.....	Nov. 4	Same subject. Acknowledges Mr. Strobel's No. 250. Mr. Moret's declarations received with satisfaction.	409
235	Same to same.....	Nov. 14	Revolt of natives at Ponape: Incloses correspondence in regard to same; an American naval vessel has been sent there.	409
280	Mr. Curry to Mr. Bayard....	Nov. 22	Missionary troubles in Caroline Islands: Incloses copy of letter of Spanish minister of state. The latter admits the action taken against Dr. Doane was improper; requests delay as to indemnity until local tribunals have decided on Dr. Doane's case; property of the mission is to be respected and gospel may be freely propagated.	410
238	Mr. Bayard to Mr. Curry...	Nov. 25	Revolt of natives at Ponape: Incloses further correspondence in regard to same.	411
249	Same to same.....	Dec. 23	Missionary troubles in Caroline Islands: Incloses further correspondence relative to Dr. Doane's case; United States can not assume to require Spanish Government to accord to American missionaries the privileges enjoyed by missionaries and other foreigners under special treaties and the principles of extraterritorial law in China, Turkey, and other non-Christian countries.	413
		1888.		
263	Same to same.....	Jan. 30	Same subject: Incloses correspondence showing condition of affairs at Ponape.	414
267	Same to same.....	Feb. 11	Same subject: Incloses correspondence relative to relations between Spanish authorities and missionaries at Ponape.	419
324	Same to same.....	Sept. 30	Same subject: Refers to Mr. Curry's No. 280, and incloses correspondence in regard to indemnity due Dr. Doane and the mission; instructs chargé to call the attention of the Spanish Government to that question.	420
356	Mr. Strobel to Mr. Bayard..	Oct. 4	Same subject: Has carried out instructions of Department's No. 324.	421
326	Mr. Rives to Mr. Strobel ...	Oct. 10	Same subject: Incloses further correspondence and instructs him to press for indemnity.	421
6	Mr. Bayard to Mr. Belmont.	Dec. 20	Same subject: Incloses correspondence relative to action of Spanish authorities at Ponape in withholding Mr. Doane's land titles; asks for their restoration.	422
		1889.		
388	Mr. Strobel to Mr. Bayard ..	Jan. 18	Same subject: Incloses copy of his note carrying out instructions of Department's No. 6.	423
37	Mr. Blaine to Mr. Palmer ...	Nov. 25	Same subject: Instructs him to press for indemnity; incloses correspondence showing that Mr. Doane is threatened with the loss of his lands; refers to correspondence with Spanish legation at Washington in 1886, in which security and protection to missionary interests in Caroline Islands were guarantied.	424
35	Mr. Palmer to Mr. Blaine ...	Dec. 16	Same subject: Has carried out instructions of Department's No. 37. Incloses copies of two notes to Spanish foreign office—one on subject of indemnity and one in regard to Mr. Doane's land.	427
		1890.		
47	Mr. Blaine to Mr. Strobel ...	Jan. 7	Same subject: Approves action reported in Mr. Palmer's No. 35.	429
50	Mr. Palmer to Mr. Blaine ...	Feb. 8	Same subject: Incloses copy of a note from Spanish foreign office accompanied by a report as to the damage suffered by Mr. Doane, both to the effect that Mr. Doane suffered no loss and was therefore not entitled to indemnity.	429
63	Mr. Blaine to Mr. Palmer ...	Mar. 1	Same subject: Copy of inclosures in Mr. Palmer's No. 50 sent to American board of commissioners of foreign missions.	432

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1890.		
72	Mr. Blaine to Mr. Palmer...	Mar. 13	Missionary troubles in Caroline Islands: Incloses copy of a further letter from American Board of Foreign Missions; hinkst Mr. Doane is entitled to indemnity for the loss of his personal liberty; suspends judgment for the present as to his loss of property.	433
134	Mr. Blaine to Mr. Newberry.	Oct. 20	United States consul at Ponape: Incloses commission of H. L. Rand, and instructs him to apply for exequatur.	434
141	Same to same.....	Nov. 4	Missionary trouble in Caroline Islands: Incloses correspondence to show the efforts of the missionaries to improve the relations between the natives and Spanish authorities.	435
145	Same to same.....	Nov. 12	Same subject: Incloses further correspondence for same purpose.	436
205	Mr. Newberry to Mr. Blaine.	Nov. 26	Same subject: Acknowledges Department's Nos. 141 and 145, and incloses copies of his notes to Spanish foreign office carrying out his instructions.	440
7	Mr. Blaine to Mr. Grubb....	Dec. 10	Same subject: Acknowledges receipt of Mr. Newberry's No. 205.	441
214	Mr. Newberry to Mr. Blaine.	Dec. 13	Same subject: Incloses reply of Spanish foreign office to his note of Nov. 26, protesting against the occupation of American missionary property by Spanish authorities at Ponape without compensation. Foreign office has referred the matter to the colonial office for investigation.	442
		1891.		
135	Mr. Wharton to Mr. Newberry.	Oct. 6	Same subject: Incloses further correspondence and reviews the whole case. Instructs him to make known the sense of the instructions to the Spanish Government; that Spain will be expected to make good the losses of the missionaries and to return them to their abodes, allowing them the exercise of their privileges.	442
138	Same to same.....	Oct. 12	Same subject: Incloses further correspondence to show the amount of money expended by the board of missions since the establishment of missions in the Caroline Islands.	485
152	Mr. Newberry to Mr. Blaine.	Oct. 30	United States consul at Ponape: Refusal of Spanish Government to grant exequatur for same. Incloses correspondence.	488
157	Mr. Newberry to Mr. Blaine.	Nov. 7	Missionary troubles in Caroline Islands: Has carried out instructions of Department's No. 135.	489
149	Mr. Blaine to Mr. Grubb....	Nov. 14	United States consul at Ponape: Acknowledges receipt of Mr. Newberry's No. 152.	489
		1892.		
190	Mr. Grubb to Mr. Blaine....	Jan. 16	Missionary trouble in Caroline Islands: Incloses copy of a note from Spanish foreign office replying to the representations made by the United States on the subject.	489
210	Same to same.....	Feb. 13	Prohibition of American pork: Reports an interview with the minister of state on the subject of the removal of same.	491
193	Mr. Wharton to Mr. Grubb.	Mar. 14	Same subject: Acknowledges Mr. Grubb's No. 210, and commends his action.	491
198	Mr. Wharton to Mr. Grubb.	Mar. 24	Missionary troubles in Caroline Islands: Re-establishment of the mission at Ponape. Aside from the arguments advanced to disclaim the responsibility of the Spanish Government for the destruction of the mission property at Ponape, the purport of the Duke of Tetuan's note seems to be that the re-establishment of the mission will be permitted, and that the question of the personal indemnification of Mr. Doane will be adjusted on satisfactory terms.	492
244	Mr. Grubb to Mr. Blaine ...	May 5	American pork: Reports an interview with the Duke of Tetuan in regard to the prohibition of the importation of American pork into Spain; Mr. Grubb feels confident that the matter is in a very favorable condition: prohibition by England of Spanish beef is inopportune for American interests.	492
250	Same to same.....	May 14	Same subject: Mr. Grubb had another interview with Mr. Canovas on the subject of the prohibition of American pork. Mr. Canovas promised an answer in four or five days, and remarked, in closing the interview, "that he believed we would arrange it satisfactorily."	493
252	Same to same.....	May 19	Same subject: Reports that the prohibition of the importation of American pork into Spain has been taken off; incloses copy of Mr. Grubb's note to Mr. Canovas on the subject.	493

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
254	Mr. Grubb to Mr. Blaine..	May 22	American pork: Incloses a copy of the royal decree taking off the prohibition on the importation of American pork into Spain and her dependencies.	494
257	Same to same.....	May 25	Same subject: According to the royal decree published May 24, 1892, the restrictions of the decree of November 9, 1887, on pork coming from the United States, are removed. All that is now required is certificate of origin and of inspection in accordance with the law of the United States of America of March 3, 1891. All greases prepared by action of fire and also fat bacon are exempt from inspection in Spain and from bringing a certificate of inspection from whence they came. Incloses copy of note from the Duke of Tetuan, contents of which are summarized in Mr. Grubb's dispatch as above.	495
251	Mr. Foster to Mr. MacNutt.	July 12	Celebration of the sailing of Columbus from Palos. Instructs Mr. MacNutt to inform the Spanish minister of foreign affairs that the Commanding officer of the United States steamer *Bennington* has been ordered to proceed to Palos, Spain, to take part in the celebration of the sailing of Columbus from that port.	496
285	Mr. MacNutt to Mr. Foster.	Aug. 8	Same subject. Mr. MacNutt gives a detailed account of the celebration which took place on the 2d of August, 1892, and of incidents connected therewith.	496
6	Mr. Foster to Mr. Snowden .	Sept. 7	Invitation from Congress to the descendants of Christopher Columbus to attend the Columbian Exposition as the guests of the Government and people of the United States: Incloses a copy of the resolution and instructs the minister to present to the persons named in the same in person copies of the resolution and of the instruction, and to express the earnest desire of the Government and people that it may be their pleasure to accept this cordial invitation.	498
7	Same to same.....	Sept. 7	Invitation to the Queen Regent of Spain and the King of Spain to attend the opening ceremonies of the World's Columbian Exposition: Incloses a copy of the President's letter extending the invitation and instructs the minister to present the same.	498
272	Mr. Foster to Mr. MacNutt.	Sept. 26	Dedication of Columbus Monument at Huelva: Incloses copy of a letter from the Acting Secretary of the Navy, stating that the *Newark* will participate in the ceremonies attending the trip of the Queen Regent from Cadiz to Huelva.	499
3	Mr. Snowden to Mr. Foster..	Oct. 7	Invitation to Queen Regent and King of Spain to attend the opening ceremonies of the World's Columbian Exposition. The minister reports the formal delivery of the invitation, and gives an account of the ceremonies attending the same. Incloses copies of the speeches made on the occasion.	500
6	Same to same.....	Oct. 20	Celebration of the fourth centenary of the discovery of America: Mr. Snowden reports that he accepted an official invitation to be present at the celebrations in Huelva and Sevilla in commemoration of the discovery of America. Gives a detailed account of the ceremonies on the occasion.	502
25	Mr. Foster to Mr. Snowden .	Nov. 3	Missionary troubles in the Caroline Islands: No sooner did the Spanish Government assume authority over the Caroline Islands, in 1887, than the rights of American missionaries, who, for thirty-five years, had resided there in peace, began to be seriously infringed. The wrongs suffered by the missionaries having been brought to the attention of the Spanish Government at Madrid, a note was received from the Duke of Tetuan which was understood by the Department as assenting to the return of the missionaries and the full resumption of their work, but they have, in fact, not as yet been allowed to resume their work. Mr. Snowden is instructed to ask the Spanish Government to instruct the local authorities of Ponape to permit the missionaries to resume their work. The charge that the missionaries have aided or abetted the natives in their resistance to Span-	504

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Foster to Mr. Snowden—Continued.	1892. Nov. 3	ish authority is unfounded. This Government can not take into consideration the sect of the missionaries. It claims protection for them because they are Americans. The charge that the natives used the mission buildings to resist the Spanish troops is denied. Will demand the restoration of the land belonging to the missionaries seized by the Spanish authorities. Incloses correspondence.	
42	Mr. Foster to Mr. MacNutt.	Nov. 26	Invitation to World's Columbian Exposition. Mr. MacNutt will inform the Duke of Veragua that he and his family are expected about the middle of April next, and that the Department desires to receive due notice of the time of his arrival and other particulars.	512
45	Mr. Foster to Mr. Snowden.	Nov. 29	Missionary troubles in the Caroline Islands. Calls attention to the amount of the indemnity which it is believed by the Department the missionaries are entitled to receive. The claims examined in detail. The sum of $25,000, which the American Board of Commissioners for Foreign Missions ask in full remuneration of their pecuniary damages is regarded as very moderate. Incloses documents in support of the claim.	513
38	Mr. MacNutt to Mr. Foster.	Dec. 14	Invitations to the descendants of Columbus: Gives information as to which members of the Columbus family will visit the United States. Information will hereafter be given as to the exact number of persons who are coming, and as to the vessel by which they will sail.	518

CORRESPONDENCE WITH THE LEGATION OF SPAIN AT WASHINGTON.

	Mr. Sagrario to Mr. Wharton	1892. June 27	Celebration at Palos. Tenders to the Government of the United States an invitation to take part in the official ceremonies to be held at the port of Palos, Spain, August 2, 1892, in commemoration of the sailing of Columbus from Palos.	518
	Mr. Foster to Mr. Sagrario...	July 12	Same subject. The commanding officer of the U. S. S. *Bennington* has been ordered to proceed to Palos to take part in the celebration in honor of the sailing of Columbus from that port.	519
	Señor Dupuy de Lôme to Mr. Foster.	Sept. 15	The visit of the Queen Regent of Spain to Huelva. Her Majesty will leave the port of Cadiz October 9, 1892, for Huelva to inaugurate a monument to Columbus there. Vessels of friendly powers will accompany the Queen Regent, who would be pleased to have the flag of the United States figure in the ceremonies.	519
	Mr. Foster to Señor Dupuy de Lôme.	Sept. 26	Same subject. Rear-Admiral A. E. K. Benham has been ordered to proceed to Cadiz, Spain, with the *Newark* and to accompany the Queen Regent of Spain when she leaves that port for Huelva to dedicate the Columbus monument at that city.	520
	Señor Dupuy de Lôme to Mr. Foster.	Dec. 1	Invitation to the Queen Regent of Spain: Transmits the reply of Her Majesty to the invitation to attend the opening ceremonies of the World's Columbian Exposition at Chicago. Expresses the gratitude of herself and son for the invitation, and their regret that the provisions of the Spanish constitution will prevent them from being present on the occasion.	520

CORRESPONDENCE WITH THE LEGATION OF SWITZERLAND AT WASHINGTON.

	Mr. Tavel to Mr. Foster	1892. July 28	Arrest of Dr. Georg, an attaché of the Swiss legation, by the State police at Bay Ridge, Md., charged with taking a pocketbook belonging to a lady from Baltimore: His examination before a commissioner at Annapolis and discharge;	521

CORRESPONDENCE WITH THE LEGATION OF SWITZERLAND AT WASHINGTON—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Travel to Mr. Foster—Continued.	1892. July 28	Mr. Tavel protests against the arrest as in violation of treaty between the United States and Switzerland, requests an expression of regret, and that the police agents may be disciplined; incloses a memorandum of even date stating the facts in the case.	
	Mr. Foster to Mr. Tavel	Aug. 1	Same subject: Acknowledges above note; has requested the governor of Maryland to investigate the case and to cause any of the agents of the State who may have disregarded the rights secured to diplomatic officers by the Constitution and laws of the United States to be punished. Expresses his sincere regret at the occurrence.	523
	Same to same.....	Aug. 9	Same subject: Incloses copy of a letter from the governor of Maryland, expressing his sincere regret at the action of the State officer. Has dismissed him, which is the only punishment he can inflict upon him. The governor regrets his inability to offer any further reparation.	524
	Mr. Tavel to Mr. Adee.....	Sept. 2	Same subject: Acknowledges above note. His Government considers the incident closed and expresses its satisfaction at the earnestness and good will of the United States Government.	525
	Mr. Adee to Mr. Tavel.....	Sept. 5	Same subject: Acknowledges above note. Copy has been inclosed to governor of Maryland.	526

TURKEY.

263	Mr. Blaine to Mr. Hirsch...	1891. Dec. 14	Schools and churches: The right of foreigners to teach in the dominions of Turkey. Refusal of a permit to Rev. Mr. Easson to build on his own land except on conditions. Approves Mr. Hirsch's *note verbale* of December 15, 1890, in which he claimed that these conditions were illegal. The minister may confer with the British ambassador.	527
364	Mr. MacNutt to Mr. Blaine..	Dec. 17	Missionary troubles: Interference with building operations of Rev. Mr. Bartlett by the Vali of Bourdour.	529
375	Mr. Hirsch to Mr. Blaine...	1892. Jan. 11	Schools and churches: Incloses *note verbale* asking the Porte to explain in what it conceives conversion of dwelling houses into churches to consist. The minister informs the Porte that he expects instructions to provincial authorities will contain nothing to injure status of the missionaries.	530
379	Same to same.....	Jan. 22	Same subject: Incloses text of his note protesting against the ministerial order of December 28, 1891, concerning schools; gives copy of the order.	531
380	Same to same.....	Jan. 25	Naturalized United States citizens: Correspondence with the Porte as to protection of our citizens who were once Turkish subjects.	533
382	Same to same.....	Jan. 27	Schools and churches: Views of the Porte as to missionary schools.	534
383	Same to same.....	Jan. 29	Same subject: The ministerial order concerning schools.	535
281	Mr. Blaine to Mr. Hirsch....	Feb. 10	Same subject: Acknowledges Mr. Hirsch's No. 379, and approves his protest against the ministerial order.	535
285	Same to same.....	Feb. 24	Same subject: Acknowledges Mr. Hirsch's No. 383.	536
288	Same to same	Mar. 2	Missionary troubles: Transmits letter commending Mr. Hirsch's action on behalf of the missionaries.	536
397	Mr. Hirsch to Mr. Blaine....	Feb. 29	Same subject: Detention of private letters to missionaries. The Porte disclaims censorship over private correspondence.	537
399	Same to same	Mar. 2	Schools and churches: Discusses ministerial order concerning schools and article 129 of the school law. *Note verbale* of the British ambassador to the Porte.	537

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
407	Mr. Hirsch to Mr. Blaine...	Mar. 18	Schools and churches: Closing of Mr. Easson's school. Mr. Hirsch addressed a note to the Porte protesting and deprecating interference with Mr. Easson's rights.	542
409	Same to same.....	Mar. 21.	Foreigners in Turkey: Procedures in civil and penal matters towards foreigners who live at distance of more than nine hours from consular residences; incloses memorandum of the dragomans; also, a copy of his note replying to note of October 10, 1891, and stating that the legation can not assent to the proposed procedure.	545
300	Mr. Wharton to Mr. Hirsch.	Mar. 25	Schools: Acknowledges with approval dispatch No 399.	547
413	Mr. Hirsch to Mr. Blaine ...	Mar. 26	Same subject: Rev. Mr. Bartlett prevented from buying land unless he sign a bond that he will never allow a church or school on same.	547
414	Same to same.....	Mar. 28	Missionary troubles: Correspondence with the Porte as to arrest of Mr. Crawford at Erdek. Mr. Hirsch demanded suitable reparation.	548
416	Same to same.....	Mar. 29	Schools and churches: Incloses correspondence in the case of Mr. Bartlett—the subject of No. 413 above.	550
417	Same to same.....	Mar. 31	Same subject: States that the grand vizier has instructed the governors-general to stop execution of the ministerial order of December 28, 1891, until further advised. British and French position on the subject. (See No. 379.)	552
420	Same to same.....	Apr. 2	Missionary troubles: Incloses note to the Porte invoking for Mr. Bartlett his treaty rights.	553
308	Mr. Blaine to Mr. Hirsch....	Apr. 6	Foreigners in Turkey: Acknowledges dispatch No. 409 of March 21, 1892.	554
423	Mr. Hirsch to Mr. Blaine...	Apr. 8	Book trade of missionaries: Incloses note to the Porte, in which he protests against interference with a legitimate trade, and reserves the question of damages done to American citizens by same.	554
424	Same to same.....	Apr. 8	Missionary troubles: Detention of private correspondence. (See No. 397.) The grand vizier promises to correct the evil.	556
426	Same to same.....	Apr. 11	Same subject: Has called attention of the Porte to continued interference with Mr. Bartlett's building operations.	556
427	Same to same.....	Apr. 12	Same subject: Demands of the Porte that the schools closed by authorities of Dizze be re-opened.	557
310	Mr. Blaine to Mr. Hirsch...	Apr. 13	Same subject: Acknowledges dispatch No. 416 as to the Bartlett case.	558
431	Mr. Hirsch to Mr. Blaine...	Apr. 18	Same subject: Incloses statement of Rev. Mr. Easson as to seizure of American property in Tenderiah. (See No. 407.)	558
432	Same to same.....	Apr. 20	Same subject: Detention of private correspondence. The Porte has instructed post-office officials to prevent such detention.	561
434	Same to same.....	Apr. 20	Interference with building operations: Case of David Metheney. Incloses note asking the Porte that the provincial authorities shall cease interference.	561
316	Mr. Blaine to Mr. Hirsch ...	Apr. 22	Missionary troubles: Schools in Syria of the Reformed Presbyterian Church in America. Case of Mr. Easson.	562
319	Same to same.....	Apr. 25	Book trade of missionaries: Acknowledges dispatch No. 423 on the subject.	564
321	Same to same.....	Apr. 28	Missionary troubles: Approves the terms of his note to the Porte as to the reopening of schools closed by the authorities of Dizze.	564
438	Mr. Hirsch to Mr. Blaine ...	Apr. 30	Stamford Manufacturing Company: Correspondence with, relative to interference of authorities of Alexandretta, with their building operations. Incloses note to the Porte, giving notice that damages will be claimed.	565
440	Same to same.....	May 5	Schools. Protection of native teachers. Correspondence with the authorities of Anatolia College respecting the status of native teachers.	568
441	Same to same.....	May 6	Stamford Manufacturing Company. Further difficulties of. The Porte promises favorable action.	570
443	Same to same.....	May 7	Same subject. Additional interference with Stamford Company. The Porte promises action.	571

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
448	Mr. Hirsch to Mr. Blaine...	May 13	Schools in the Gravar district. The teachers imprisoned are natives.	572
327	Mr. Blaine to Mr. Hirsch....	May 13	Schools. Incloses letter of Mr. D. Metheney, commending Mr. Hirsch's action on behalf of the same.	572
449	Mr. Hirsch to Mr. Blaine ...	May 14	Same subject. The attitude of the French and the British ambassadors on the subject.	573
451	Same to same.....	May 19	Stamford Manufacturing Company. The company is allowed to proceed with its building.	574
328	Mr. Blaine to Mr. Hirsch...	May 23	Schools: Incloses copy of letter of the Board of Foreign Missions of the Presbyterian Church in America, commending action of Mr. Hirsch.	575
330	Mr. Wharton to Mr. Hirsch.	May 24	Stamford Manufacturing Company: Approves his action on behalf of that company.	575
332	Same to same	May 25	Schools: Protection of native teachers. Gives the views of the Department on the question presented.	576
456	Mr. Hirsch to Mr. Blaine ...	May 28	Same subject: The obnoxious order of January has been virtually withdrawn by an inclosed circular. No further interference will be permitted.	577
	Mr. Blaine to Mr. Hirsch (telegram).	June 1	Interference with building operations of the Stamford Company: The President wishes to know whether it has been stopped.	578
	Mr. Hirsch to Mr. Blaine (telegram).	June 2	Same subject: Interference stopped May 17	578
470	Same to same.....	June 14	Schools: Circular issued and distributed among American missionaries in relation to the late arrangement of difficulties.	578
342	Mr. Wharton to Mr. Hirsch.	June 14	Same subject: Mr. Hirsch's action is commended.	579
478	Mr. Newberry to Mr. Wharton.	June 18	Interference with building operations of the Stamford Company: No further steps will be taken in the absence of further complaints.	579
499	Same to same	July 21	School laws of Turkey	580
504	Same to same	July 28	Interference with the circulation of Bibles: It has been stopped at Aleppo and a promise given that the same course will be taken at Alachan, whence a similar complaint was received by the legation.	581
365	Mr. Adee to Mr. Newberry..	Aug. 15	Same subject: Commends Mr. Newberry's efforts to protect the rights of United States citizens.	582
515	Mr. Newberry to Mr. Foster.	Aug. 18	Missionary troubles: Reports the burning at Bourdour of Rev. Mr. Bartlett's house after repeated promises that the completion of the building would be allowed.	582
	Mr. Foster to Mr. Newberry (telegram).	Aug. 19	Same subject: Instructions as to satisfaction to be demanded in the above case.	583
517	Mr. Newberry to Mr. Foster.	Aug. 20	Same subject: Reports previous interference with the repairs on Rev. Mr. Bartlett's house incited by Armenians and connived at by the authorities.	583
520	Same to same.....	Aug. 23	Same subject: The Minister for Foreign Affairs writes that an investigation has been instituted, but Mr. Newberry will send his note with its demands without delay.	584
521	Same to same.....	Aug. 24	Same subject: Incloses the note above referred to, and reports his interview with minister for foreign affairs, in which he gave notice that a delay of ten days would be given for compliance with the demands presented.	584
522	Same to same.....	Aug. 24	Same subject: Reports annoyances to which Rev. Mr. Bartlett was subjected subsequently to the fire.	587
523	Same to same.....	Aug. 24	Same subject: Incloses a letter from the Eastern Turkey Mission thanking him for his endeavors.	588
524	Same to same.....	Aug. 25	Same subject: Details of the burning of Rev. Mr. Bartlett's house at Bourdour, and of preceding and subsequent events.	588
526	Same to same.....	Aug. 29	Same subject: Interference with the circulation of Bibles at Alachan. Second note addressed to the Porte on the matter.	590
527	Same to same.....	Aug. 29	Same subject: Seizure of the private correspondence of Miss Bush, an American missionary at Van. The return of the papers has been requested.	590
528	Same to same.....	Aug. 30	Same subject: Further statements furnished by Rev. Mr. Bartlett concerning the troubles at Bourdour.	591

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
536	Mr. Newberry to Mr. Foster.	Sept. 7	Missionary troubles: Interference with the circulation of Bibles at Alachan. After long delay a promise has been given to send telegraphic orders to have the Bibles delivered and molestations stopped.	592
377	Mr. Foster to Mr. Newberry.	Sept. 7	Same subject: Acknowledges dispatches relating to the outrages perpetrated on Rev. Mr. Bartlett.	593
	Same to same (telegram)....	Sept. 7	Same subject: Authorizes acceptation of indemnity offered by the Turkish Government.	593
	Mr. Newberry to Mr. Foster (telegram).	Sept. 9	Same subject: Indemnity has been paid.....	593
544	Same to same	Sept. 15	Same subject: Announces the termination of all troubles at Alachan.	593
385	Mr. Foster to Mr. Newberry.	Sept. 16	Same subject: Approves the advice and assurances given to Rev. Mr. Bartlett, as indicated in dispatch No. 538.	594
386	Same to same	Sept. 16	Same subject: It is hoped that the payment of indemnity to Rev. Mr. Bartlett will be completed by due protection in the future, and the punishment of the offenders.	594
547	Mr. Newberry to Mr. Foster.	Sept. 26	Same subject: Seizure of Bibles at Geybize. Incloses the report of, received from the American Bible Society, and the note addressed to the minister for foreign affairs, who immediately ordered, by telegram, the return of the books.	595
551	Same to same.....	Sept. 27	Same subject: Private journal of Rev. Mr. Bartlett in connection with the late outrages at Bourdour.	596
391	Mr. Foster to Mr. Newberry	Sept. 29	Same subject: Instructions to express the painful impression created by the repeated breaches of promises, should the molestations of which the American Bible Society complains continue.	599
394	Same to same.....	Sept. 30	Same subject: Expresses satisfaction caused by the termination of the troubles at Alachan.	599
559	Mr. Newberry to Mr. Foster	Oct. 1	Same subject: The Bibles seized at Geybize have been returned to the society's agent.	599
565	Same to same.....	Oct. 8	Same subject: Incloses note requesting information as to punishment inflicted on the men arrested for the burning of Rev. Mr. Bartlett's house at Bourdour.	600
402	Mr. Foster to Mr. Newberry	Oct. 14	Same subject: Acknowledges dispatch No. 547..	600
404	Same to same.....	Oct. 15	Same subject: Expresses the favorable impression conveyed in Rev. Mr. Bartlett's journal as to the aid given him by the mutessarif of Isbarta.	600
572	Mr. Newberry to Mr. Foster	Oct. 19	Same subject: Transmits the complaint of Mr. W. W. Mead of molestations suffered at Hajin. The grand vizier contends that Turkish authorities have the right to search the persons and property, and seize books and papers wherever there is no consular representative.	601
575	Same to same	Oct. 19	Same subject: Further outrages against Rev. Mr. Bartlett and his daughter, at Kara Hissar.	603
579	Same to same	Oct. 19	Same subject: The men implicated in the burning of Rev. Mr. Bartlett's house are to be tried at Smyrna, and an inquiry is now being made into the responsibility of the authorities.	606
580	Same to same	Oct. 19	Schools: Incloses note addressed to the minister for foreign affairs in connection with the closing in 1891 of the American mission school at Agantz.	607
	Mr. Wharton to Mr. Newberry (telegram).	Oct. 20	Missionary troubles: Full protection for persons complaining of interference is to be insisted upon.	607
585	Mr. Newberry to Mr. Foster.	Oct. 25	Same subject: Rev. Mr. Bartlett has left Kara Hissar, but the persecutions there continue.	607
592	Same to same	Nov. 3	Same subject: Full satisfaction accorded by the Turkish Government. The governor of the Bourdour district has been displaced, and the ringleader at Kara Hissar imprisoned.	608
421	Mr. Foster to Mr. Newberry.	Nov. 16	Same subject: Resolutions of the board of foreign missions of the Presbyterian Church appreciative of Mr. Hirsch, late minister.	608
3	Mr. Foster to Mr. Thompson	Nov. 29	Rights and privileges of United States citizens in Turkey: Reviews the circumstances under which they were acquired; adverts to the different ways in which they are infringed, viz, interference with the building of houses that may be converted into churches or schools; ex-	609

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Foster to Mr. Thompson—Continued.	1892. Nov. 29	amination and seizure of books and papers; adverts to the friendly relations of the two countries, and the disposition now manifested of making redress for outrages perpetrated in remote parts of the Empire; recommends a courteous and firm attitude toward the central government as the best means of securing such redress.	
425	Mr. Foster to Mr. Newberry.	Dec. 5	Same subject. Referring to the complaint of Mr. Mead in dispatch No. 572, states that the contention of the minister for foreign affairs, that persons and property can be searched wherever there is no consular representative, is unwarranted by treaty capitulations and comity. No further action need be taken until the arrival of Minister Thompson, who has received full instructions.	613

VENEZUELA.

321	Mr. Scruggs to Mr. Foster ..	1892. Aug. 29	Asylum: Violation of right of, by military authorities at Puerto Cabello, in seizing six passengers on board American vessel *Caracas*. Reports the circumstances and incloses correspondence relative to.	615
	Mr. Adee to Mr. Scruggs (telegram).	Aug. 29	Revolution: Requests full report of attack on United States consulat Ciudad Bolivar and states that a war vessel has been ordered to proceed to La Guayra.	618
278	Same to same.....	Aug. 30	Same subject: Copy of his telegram of August 22, asking that a naval vessel be sent to La Guayra, was communicated to Secretary of the Navy. Full particulars of the taking of six passengers from steamer *Caracas* are awaited.	618
279	Same to same.....	Aug. 30	Asylum: Violation of right of, taking of passengers from the *Caracas*. Incloses letter from Boulton, Bliss & Dallett, of New York, giving some particulars and transmitting formal protest of the captain.	619
325	Mr. Scruggs to Mr. Foster ..	Sept. 7	Neutrality of American steamers: Incloses correspondence with agents of the "Red D" line, wherein they state that on several occasions they have been applied to by the several factions of the revolution for the use of their steamers.	620
326	Same to same.....	Sept. 7	Revolution: Closing of the ports of Ciudad Bolivar and Puerto Cabello. Incloses decree of the Villegas government ordering the, which, however, can not be operative, as the opposing faction holds both ports.	621
283	Mr. Foster to Mr. Scruggs	Sept. 8	Revolution: War ship *Kearsarge* has been ordered to join the *Concord* in Venezuelan waters to protect American interests, and the *Philadelphia* now in New York is held in readiness to go. Further advices are awaited.	622
284	Same to same.....	Sept. 8	Asylum: Violation of right of, replies to his dispatch No. 321 of August 29, and approves his action in the premises and gives some general instructions applicable.	623
	Mr. Scruggs to Mr. Foster (telegram).	Sept. 24	Revolution: Situation remains unchanged. Transmits request of Venezuelan Government that steamer *South Portland*, laden with munitions of war in New York, be prevented from entering Puerto Cabello by United States naval forces.	624
	Mr. Foster to Mr. Scruggs (telegram).	Sept. 24	Neutrality: Violation of, states that *South Portland* case has been fully investigated by Federal courts in New York and that Government can not interfere.	625
287	Same to same.....	Sept. 24	Revolution: Acknowledges his No. 326, of September 8, transmitting decree closing ports. Agrees with his opinion as to ineffectiveness of such a measure, and quotes from instructions to United States minister in Honduras in similar case.	625

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Scruggs to Mr. Foster (telegram).	1892. Sept. 27	Neutrality, violation of: At request of Venezuelan Government, asks whether, in case *South Portland* cleared for Trinidad, but proceeded to Puerto Cabello direct, United States naval forces can interfere.	625
336	Same to same.....	Sept. 27	Neutrality, violation of: Reports interview with minister for foreign affairs, in which legation's direct intervention was requested and declined, and explains that his telegram of September 27 was sent at the minister's urgent request. Memorandum inclosed.	625
337	Same to same.....	Sept. 28	Asylum, violation of right of: Incloses a public disavowal by Venezuelan Government of the act of Gen. Urdaneta in taking the six passengers from American steamer *Caracas* on August 17.	627
	Mr. Foster to Mr. Scruggs (telegram)	Sept. 29	Neutrality, violation of: Reply to telegram of September 27. No precedent for action requested, and in view of action of courts can not give instruction desired.	627
392	Same to same.....	Sept. 30	Neutrality of American steamers: Acknowledges his No. 325 and regards his letter to the agents of the Red D line as discreet. Incloses a letter from the Secretary of the Treasury in regard to the effect of temporary foreign service on the American registry of a vessel.	627
	Mr. Scruggs to Mr. Foster (telegram).	Oct. 4	Revolution: Reports that the blockade of Puerto Cabello is effected by two inefficient Venezuelan steamers, which are present there at intervals, and now threaten to fire upon American steamers. Asks whether United States naval forces should respect such a blockade.	628
	Mr. Foster to Mr. Scruggs (telegram).	Oct. 5	Revolution: Blockade at Puerto Cabello; steamers should not attempt to break same when it is visible. Instructions will be sent to naval vessels.	629
342	Mr. Scruggs to Mr. Foster..	Oct. 7	Blockade: Alleged violation of by American steamer *Philadelphia*, abetted by U. S. S. *Kearsarge*. Incloses protest of Venezuelan Government and memorandum in reply; also correspondence with Red D line agents and Admiral Walker, showing that blockade was not effective and that the *Philadelphia* was not even spoken by so-called blockading vessel.	629
	Same to same (telegram)....	Oct. 10	Revolution: Asks whether *de facto* Government of Gen. Crespo should not be recognized without delay.	634
	Mr. Foster to Mr. Scruggs (telegram).	Oct. 12	Same subject: Directed to recognize the new Government provided it is accepted by the people in possession of the power of the nation and fully established.	635
	Same to same (telegram)....	Oct. 16	Same subject: Asks whether action has been taken upon his instructions of October 12.	635
	Mr. Scruggs to Mr. Foster (telegram).	Oct. 18	Same subject: Reports that he will fulfill the formalities of recognition in a few days.	635
	Same to same (telegram).	Oct. 23	Same subject: Gives notice of the formal recognition of the new Government.	635
229	Mr. Wharton to Mr. Scruggs.	Oct. 18	Blockade: Alleged violation of, by American Steamer *Philadelphia* and U. S. S. *Kearsarge*. In order to be respected it should have been continuous, and maintained against all commerce and not with particular ships at intervals.	635
346	Mr. Scruggs to Mr. Foster..	Oct. 18	Revolution: Reports interviews with Gen. Crespo, who is anxious for recognition by the United States and will hold power until a constituent assembly is convened early in 1894; incloses decrees appointing cabinet and public officers; new minister to the United States, Dr. Bustamante favorable to reciprocity.	636
355	Same to same.....	Nov. 18	Asylum: Right of, clearance refused S. S. *Philadelphia* of Red D line, because of refusal of the captain to surrender Pedro V. Mijores, a passenger taken at Curacao, and demanded as "an enemy of the Government." Consul directed to clear the steamer; minister for foreign affairs after interview promises that papers will be returned to consul.	637

CORRESPONDENCE WITH THE LEGATION OF VENEZUELA AT WASHINGTON.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
	Señor Bolet Peraza to Mr. Foster (telegram).	Sept. 9	Neutrality: Alleged violation of, by steamer *South Portland* that is to leave New York for Trinidad, carrying munitions of war for rebels in Venezuela. Asks that vessel be detained pending investigation.	639
	Same to same	Sept. 10	Same subject: Gives facts and repeats request conveyed in telegram of September 9.	639
	Mr. Adee to Señor Bolet Peraza (telegram).	Sept. 10	Same subject: Informs him that the *South Portland* is held for investigation and that proofs should be presented to collector without delay.	640
	Same to same	Sept. 10	Same subject: Repeats substance of telegram of this date.	640
	Same to same (telegram)	Sept. 12	Same subject: Informed that it is necessary to at once make complaint and furnish proofs and suggests that he confer with district attorney in New York.	640
	Same to same	Sept. 12	Same subject: His note of September 10 appears to suggest the impression that it is the province of the United States Government to continue the proceedings and determine whether or not the vessel has violated the neutrality laws. Such a determination can only be reached by due process of law. Urges upon him the necessity for immediate action on his part.	640
	Señor Bolet Peraza to Mr. Foster (telegram).	Sept. 14	Same subject: Requests that *South Portland* be further detained until witness whose testimony is needed can reach New York.	641
	Mr. Foster to Señor Bolet Peraza.	Sept. 15	Same subject: Acknowledges his telegram of September 14, and states that a copy has been transmitted to the Secretary of the Treasury.	641
	Señor Bolet Peraza to Mr. Foster.	Sept. 16	Same subject: Complains of the apparent partiality of the United States district attorney who, notwithstanding affidavit of the secretary of the consulate, insists upon the production of evidence and witnesses difficult to procure; sets forth circumstances tending to show the warlike purposes of the charterers and incloses letter of his counsel to the district attorney demanding the institution of judicial proceedings; assistance of Department requested.	642
	Mr. Foster to Señor Bolet Peraza (telegram).	Sept. 17	Same subject: District attorney has asked further detention of the *South Portland* until September 19. Evidence should be submitted to him. Department has no discretion in the matter.	644
	Señor Bolet Peraza to Mr. Foster (telegram).	Sept. 20	Revolution: States that he is authorized by his Government to buy a steamer and arm it as a cruiser. Asks that proper authorities be instructed to avoid him trouble.	644
	Mr. Foster to Señor Bolet Peraza (telegram).	Sept. 21	Same subject: Reply to his telegram of September, 20. Guarantee asked for is not practicable, as it is an interference with judicial functions.	644
	Señor Bolet Peraza to Mr. Foster (telegram).	Sept. 21	Neutrality: Alleged violation of, by steamer *South Portland;* states that acquittal of Gonzales does not disprove that the vessel is armed to be used against his Government; urges the libeling of the vessel; asks that she be detained; will make personal visit if necessary.	644
	Mr. Foster to Señor Bolet Peraza.	Sept. 22	Same subject: Reply to his telegram of September 21; the evidence being insufficient to prove charges the case was dismissed; hence, no room remained for the libeling of the vessel.	645
	Señor Bolet Peraza to Mr. Foster.	Sept. 24	Same subject: Complains that the course of the United States attorney in failing to bring up witnesses subpœnaed by him deprived him of the means of substantiating the charges against the *South Portland*, which he recites; enters under telegraphic orders of his Government protest against such action as preliminary to claim which may arise out of acts of hostility by the *South Portland* and asks that United States war vessels prevent the landing of contraband at Puerto Cabello, now held by revolutionists, out of the *South Portland*.	645
	Mr. Foster to Señor Bolet Peraza.	Sept. 28	Same subject: Case was investigated by Federal courts, New York, and the action of the law officers must be presumed to have been in accordance with the law; the protest of his note	647

CORRESPONDENCE WITH THE LEGATION OF VENEZUELA AT WASHINGTON—Cont'd.

No.	From and to whom.	Date.	Subject.	Page.
		1892.		
	Mr. Foster to Señor Bolet Peraza—Continued.	Sept. 28	of September 24 is therefore not well grounded: his request to have United States war vessels prevent the *South Portland* landing contraband of war at Puerto Cabello would place the United States in the position of enforcing a blockade which can not be assumed by a neutral power, even if the state of belligerency had been recognized.	
	Señor Bolet Peraza to Mr. Foster.	Sept. 29	Neutrality: Reports that a shipment of ammunition of war for revolutionists is in preparation at Baltimore to be cleared at the discontinued consulate of Venezuela; asks that Secretary of the Treasury be informed.	648
	Mr. Foster to Señor Bolet Peraza.	Sept. 29	Same subject: Reply to his note of September 28; has informed Secretary of the Treasury as requested.	648

CORRESPONDENCE.

ARGENTINE REPUBLIC.

CORRESPONDENCE WITH THE LEGATION OF THE ARGENTINE REPUBLIC AT WASHINGTON.

Mr. Carranza to Mr. Blaine.

[Translation.]

ARGENTINE LEGATION,
Washington, May 12, 1892.

MR. SECRETARY OF STATE:

I have the honor herewith to transmit to you, together with the usual copy, the Cabinet letter which the President of the Argentine Republic addresses to the President of the United States, requesting him to accept the office of arbitrator in the boundary question between the Argentine Republic and the United States of Brazil.

Begging you, Mr. Secretary of State, to transmit the aforesaid document to its high destination, I avail myself, etc.,

ROQUE CASAL CARRANZA.

[Inclosure 1.—Translation.]

The President of the Argentine Republic to the President of the United States.

Carlos Pellegrini, Constitutional President of the Argentine Republic, to His Excellency the President of the United States of America:

GREAT AND GOOD FRIEND: By Article II of the treaty signed in this city on the 7th day of September, 1889, an authenticated copy of which I have the honor herewith to inclose, it is provided that, if the time mentioned in Article I shall come to an end without an amicable settlement having been reached, the boundary question pending between the Argentine Republic and Brazil shall be submitted to the President of the United States for arbitration.

The High Contracting Parties, in selecting your excellency as arbitrator, have considered not only the friendly relations which bind them to the United States of America, but also the lively interest taken by your excellency in everything connected with the civilization of the American nations. I therefore beg your excellency to accept the office of arbitrator, which is conferred upon you by that international instrument, to the end that your just and impartial decision may settle this matter (which has been in dispute for more than a century) in a manner satisfactory and honorable to both countries.

With the most sincere wishes for the prosperity of the United States of America, I have the honor to offer your excellency the assurances of my highest consideration and regard.

C. PELLEGRINI.
ESTANISLAO ZEBALLOS.

Done in the city of Buenos Ayres, capital of the Argentine Republic, April 12, 1892.

[Inclosure 2.—Translation.]

Treaty of arbitration between the Argentine Republic and the Empire of Brazil.

Miguel Suarez Celman, Constitutional President of the Argentine Republic, to all unto whom these presents shall come, greeting:

Whereas a treaty of arbitration between the Argentine Republic and the Empire of Brazil was negotiated, concluded, and signed in the city of Buenos Ayres, on the 7th day of September of the current year, by the plenipotentiaries duly authorized for this purpose, the said treaty being as follows:

His excellency the President of the Argentine Republic and His Majesty the Emperor of Brazil, desiring to settle as speedily as possible the boundary question now pending between the two States, have agreed, without prejudice to the treaty of September 28, 1885, to fix a time for the conclusion of the discussion of the law governing the case, and, in case of their inability to reach an understanding, to submit the said question to the arbitration of a friendly Government, and, a treaty being necessary for that purpose, have appointed their plenipotentiaries, to wit:

His excellency the President of the Argentine Republic, Dr. Norberto Quirno Costa, his minister secretary of the interior, and acting minister secretary of foreign relations;

His Majesty the Emperor of Brazil, Baron de Alencar, of his council, and his envoy extraordinary and minister plenipotentiary in the Argentine Republic;

Who, having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The discussion of the right which each of the High Contracting Parties thinks that it has to the territory in dispute between them, shall be closed within ninety days, reckoned from the termination of the survey of the land in which are the sources of the rivers Chapecó or Pequiri-Guasú and Yangada or San Antonio-Guasú.

That survey shall be considered as finished on the day on which the Commissions appointed by virtue of the treaty of September 28, 1885, shall present to their governments the reports and plans referred to in Article IV of that treaty.

ARTICLE II.

If the time fixed in the foregoing article shall expire without an amicable settlement having been reached, the question shall be submitted to the President of the United States of America for arbitration, whom, within the next sixty days, the High Contracting Parties shall address, requesting him to accept that office.

ARTICLE III.

If the President of the United States of America shall decline, the High Contracting Parties shall select another arbitrator, in Europe or in America, within sixty days from the receipt of the declination, and in case of any other (declination) they shall proceed in like manner.

ARTICLE IV.

The appointment having been accepted, each of the High Contracting Parties shall, within twelve months, reckoned from the day on which the notification of acceptance shall have been received, lay its statement before the arbitrator, together with such documents and titles as shall be proper for the defense of its right. This statement having been presented, no addition shall be made to it, except in compliance with the requirement of the arbitrator, who shall have power to order the necessary elucidations to be laid before him.

ARTICLE V.

The frontier is to be formed by the rivers which the Argentine Republic or Brazil has designated, and the arbitrator shall be requested to decide in favor of one of the parties, as shall seem to him just in view of the reasons and documents which they shall have produced.

ARTICLE VI.

The decision shall be pronounced within twelve months, reckoned from the day on which the statements shall have been presented, or from the later date, if the presentation shall not have been made by both parties at the same time.

It shall be final and binding, and no reason shall be alleged for the purpose of impeding its execution.

ARTICLE VII.

This treaty shall be ratified, and the ratifications shall be exchanged in the city of Rio de Janeiro with as little delay as possible.

In testimony whereof the plenipotentiaries of the Argentine Republic and of the Empire of Brazil sign this treaty, and thereunto affix their seals, in the city of Buenos Ayres, on the 7th day of the month of September, 1889.

N. QUIRNO COSTA.

[Here follows the same treaty in the Portuguese language, signed by Baron de Alencar.]

Now, therefore, the foregoing treaty having been examined, and having been approved by the honorable National Congress on the 22d day of the present month of October, I accept, confirm, and ratify it, pledging myself, in the name of the nation, faithfully to execute it and cause it to be executed.

In testimony whereof I sign with my own hand the present instrument of ratification, sealed with the great seal of the arms of the Republic, and countersigned by the minister secretary of state in the department of foreign relations.

Done at Buenos Ayres, capital of the Argentine Republic, on the 24th day of the month of October, 1889.

M. JUAREZ CELMAN,
ESTANISLAO S. ZEBALLOS.

A true copy.
ESTANISLAO ZEBALLOS.

The undersigned, having met for the purpose of exchanging the ratifications of his excellency, the President of the Argentine Republic, and of His Majesty, the Emperor of Brazil, for the treaty concluded on the 7th day of September last, providing for the speedy settlement of the boundary question between the two countries, and having examined the said ratifications, which were found to be correct, have made the exchange.

In testimony whereof they sign this instrument in two copies, one being in the Spanish and the other in the Portuguese language, and thereunto affix their seals.

Rio de Janeiro, November 4, 1889.

[L. S.] ENRIQUE B. MORENO.
[L. S.] JOSE FRANCISCO DIANA.

A true copy.
ESTANISLAO ZEBALLOS.

Mr. Foster to Mr. Carranza.

DEPARTMENT OF STATE,
Washington, July 2, 1892.

SIR: I have the honor to apprise you, by the President's direction, of his acceptance of the post of arbitrator, jointly tendered him by the Governments of the Argentine Republic and of Brazil, in accordance with the treaty of September 7, 1889, between them, providing for an amicable settlement of their boundary differences.

I am further directed by the President to say that it will afford him great pleasure to perform this friendly service, by which a most grati-

fying occasion is afforded him to promote, as he confidently trusts, the good relations existing between two republics so long allied by ties of close friendship to the United States.

I inclose a copy of the President's letter addressed to his excellency, the President of the Argentine Republic, accepting the trust, and add that the original has been forwarded to the minister of the United States at Buenos Ayres for formal delivery in the usual way.

Accept, etc.,

JOHN W. FOSTER.

[Inclosure.]

President Harrison to President Pellegrini.

Benjamin Harrison, President of the United States of America, to his excellency, Carlos Pellegrini, the Constitutional President of the Argentine Republic:

GREAT AND GOOD FRIEND: I have received your letter of April 12 last, by which, in pursuance of a treaty concluded September 7, 1889, between the Governments of the Argentine Republic and Brazil, you request that I accept the position of arbitrator to decide the question of boundaries now pending between the two Republics.

It gives me pleasure to accept the important trust so courteously tendered on the part of both Governments, and I take occasion to express the hope that I may thus be able to promote and strengthen the amicable relations which I so greatly desire to see existing between two neighboring Republics of our continent.

Accept, excellency, the assurances of my highest consideration.

Your good friend,

BENJ. HARRISON.

By the President:
JOHN W. FOSTER,
Secretary of State.
WASHINGTON, *July 2, 1892.*

AUSTRIA-HUNGARY.

No. 218.] *Mr. Chew to Mr. Blaine.*

LEGATION OF THE UNITED STATES,
Vienna, December 23, 1891. (Received January 11, 1892.)

SIR: Application having been made to this legation by Mr. Rudolph G. W. Lippitt for the renewal of a passport issued to him on the 31st of December, 1879, by Hon. John A. Kasson, then minister of the United States at this capital, and his claim to the further protection of our Government resting, in my opinion, on doubtful grounds, it has been determined to lay the facts in the case before the Department of State and await its instruction before action is taken in the matter.

In answer to the usual interrogatories Mr. Lippitt stated that he was born in Vienna on January 27, 1858, his father being a native-born citizen of the United States, and, at the time, temporarily residing abroad in the capacity of secretary of this legation. That he (the applicant) has lived abroad all his life, with the exception of two visits to the United States, the first of which was made while he was an infant, when he, of course, had no power of election as to the location of his domicile, and which lasted for about one year; and the second while he was yet a minor, on which occasion his sojourn was of but a few months duration. Until he attained his majority his time was divided between England, France, and Austria, and upon coming into possession of his estate he took up his permanent residence in the latter country, subsequently married a subject thereof, and established his domicile, living in summer at Thurnesch, Styria, and in winter at Vienna.

Mr. Lippitt further stated that his citizenship of the United States had never been questioned, and it follows, as a matter of course, that he has enjoyed all the privileges and immunities common to citizens of the United States and to subjects of Austria, and has avoided all corresponding duties in each country. He has had two sons born to him, both of whom, he stated, had been registered at the consulate-general of the United States in this city as American citizens.

That Mr. Lippitt was born heir to the nationality which he still claims, is conceded. Section 1993 of the Revised Statutes of the United States expressly provides that "All children heretofore born or hereafter born, out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States."

There is, therefore, no room for doubt, under the facts stated above, that Mr. Lippitt was born an American citizen. The question is, however, whether by his own voluntary action in establishing his domicile abroad without having ever taken up his residence in the United States and with no present intention of so doing, he has not forfeited his birthright? Certainly it would seem that he is in error in believing his sons entitled to registration as American citizens, for the statute above cited

clearly goes on to state "but the rights of citizenship shall not descend to children whose fathers never resided in the United States."

With the request that the State Department will favor this legation with its opinion as to the political status of Mr. Lippitt and his sons, under the within representation of facts, I have, etc.,

JOHN J. CHEW.

Mr. Blaine to Mr. Grant.

No. 179.] DEPARTMENT OF STATE,
Washington, January 25, 1892.

SIR: Mr. Chew's dispatch No. 218 of the 23d ultimo, relative to the application of Mr. R. G. W. Lippitt for a passport, has been received.

Mr. Lippitt, by virtue of section 1993 of the Revised Statutes, was born a citizen of the United States, but he does not appear to have resided in this country in such a sense as to entitle his children to American citizenship. As Mr. Lippitt is now nearly 34 years of age, and during his whole life has resided abroad, having had, since his arriving at majority, a permanent domicile in Austria, the country of his birth, it may be fairly presumed that he has no definite intention of returning to this country within a reasonable time to perform the duties of American citizenship. Unless it is made to appear to your satisfaction that such is his intention, his application for a passport should properly be denied.

I am, etc.,

JAMES G. BLAINE.

Mr. Grant to Mr. Wharton.

[Extract.]

No. 284.] LEGATION OF THE UNITED STATES,
Vienna, July 1, 1892. (Received July 16.)

SIR: I have the honor to inclose herewith a full copy of the correspondence which has passed between this legation and the imperial and royal ministry of foreign affairs here, concerning the intended expulsion from the Austro-Hungarian monarchy of Leon Spitzer, a naturalized citizen of the United States, of Austrian birth.

Mr. Spitzer's case is similar to many others which have been, and are now, continually being brought to the notice of this legation, many of which cases have already been reported to the State Department at Washington.

In view of these continued expulsions of naturalized American citizens, it would seem that the time has come when the Government of the United States should take a firm stand in this matter in order to retain the proper respect of foreigners for our great nation and to secure protection for the citizens of the United States in this monarchy.

I therefore ask for instructions and beg to bring to your especial consideration in connection with this subject the case of Leon Spitzer.

I have, etc.,

FREDERICK D. GRANT.

[Inclosure 1 in No. 284.]

Mr. Grant to Count Kalnoky.

LEGATION OF THE UNITED STATES,
Vienna, March 11, 1892.

YOUR EXCELLENCY: I have the honor to place before your excellency the case of Mr. Leon Spitzer, a naturalized American citizen of Austrian birth, who has received notice from the commissary of police of the seventh district of this city of his expulsion from Austria.

Mr. Spitzer called at this legation this morning and showed me a legal notification which he had received March 4, directing him to appear before the police magistrate of the seventh district the following day. Mr. Spitzer states that he did as he was directed, and that upon appearing before the police magistrate he was informed that he had been expelled from Austria under article 2, paragraph 5, of the law of the 27th of July, 1871. Mr. Spitzer also told me that he had been informed at the same time that it was his right to appeal his case to the "Statthalterei," which privilege he had availed himself of March 9, through his attorney, Dr. Carl Ritter Schierl von Moorburg.

I inclose herewith, for your excellency's information, a copy of an affidavit sworn to this day by Mr. Spitzer, many of the facts contained therein being verified by documents which Mr. Spitzer carried upon his person.

From his affidavit it appears that Mr. Spitzer emigrated to the United States when he was less than 15 years old, before he could possibly have been called upon in any way to perform military duty, and it is stated in Mr. Spitzer's affidavit, and this statement is verified by his naturalization certificate, that he resided in the United States uninterruptedly for five years or longer. These facts indicate that all the provisions of the treaty between the United States and Austria-Hungary of September 20, 1870, were complied with and none of them transgressed. It would appear, therefore, that should the police carry out their decree in expelling Mr. Spitzer, they would be violating the said treaty, a condition which, I am sure, the the Imperial and Royal Government of Austria-Hungary would be slow to sanction.

Placing the statement and the affidavit of Mr. Spitzer before your excellency, I most respectfully request that his case be investigated, and, should the facts as stated in his affidavit not be proven false, that the imperial and royal authorities will cause that protection to be extended to this citizen of the United States which is guaranteed by the treaty of September 20, 1870.

While awaiting a reply, I avail, etc.,

FREDERICK D. GRANT.

[Inclosure to inclosure 1 in No. 284.]

Affidavit of Leon Spitzer.

VIENNA, AUSTRIA, *March 11, 1892.*

I solemnly swear that I was born at Vienna, Austria, on or about the 28th day of January, 1867; that I emigrated to the United States, sailing on board the *Labrador*, from Havre, France, on or about the —— day of February, 1882; that I resided six and a half years uninterruptedly in the United States, from 1882 to 1889, at New York City; that I was naturalized as a citizen of the United States before the superior court of New York at New York City, on the 7th day of January, 1889; that I am domiciled in the United States, my permanent residence therein being at New York City, in the State of New York, where I follow the occupation of "manufacturer;" that I last left the United States on the —— day of November or December, 1889, on board the *Ems*, arriving at Bremen the latter part of 1889; that I have resided at Vienna since July, 1890; that I am now temporarily residing in Vienna; and that I intend to return to the United States within two years with the purpose of residing and performing the duties of citizenship therein.

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion. So help me God.

LEON SPITZER.

[Inclosure 2 in No. 284.—Translation.]

Mr. Welserscheimb to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, March 20, 1892.

SIR: The imperial and royal ministry of foreign affairs had the honor of receiving the esteemed note of the 11th instant, No. 114, relating to the expulsion of Leon Spitzer, a naturalized citizen of the United States, and has at once placed itself in communication with the ministry of the interior, in order that this affair might receive due investigation.

Without desiring to anticipate the results of the investigations which the competent imperial and royal authorities will institute, the ministry of foreign affairs nevertheless thinks proper to direct the attention of the honorable envoy of the United States to the fact that Leon Spitzer is to be classed among those former Austrian subjects who went to America and became naturalized sometime before their liability to military service had actually commenced, but with the intention and in anticipation of the circumstances, to avoid their legal obligations at home.

The expulsion of such individuals is based, as shown by reference to article 2, section 5, of the law of July 27, 1871, upon considerations of public order which is threatened to their former home by the sojourn of individuals who emigrated in *"fraudem legis;"* but it is by no means, as asserted in the above-mentioned esteemed note, a violation of the treaty of September 20, 1870, which would be the case only if Leon Spitzer on his return had been called upon to serve his military term, or had been called to account for nonfulfillment of his military duty, none of which has been the case.

On the other hand, it must be observed, as already dwelt upon by the ministry of foreign affairs on a former occasion in the note of March 5, 1890, No. 4746, that every state has a right to expel foreigners from its territory for reasons as above stated, and that the question whether and when reasons for such expulsion exist, can be judged only by an internal point of view.

The ministry of foreign affairs reserves to itself the privilege to convey to the honorable envoy of the United States the result of the investigation instituted in Leon Spitzer's case.

The undersigned avails, etc.,

WELSERSCHEIMB,
For the Minister of Foreign Affairs.

[Inclosure 3 in No. 284.—Translation.]

Count Welserscheimb to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, June 10, 1892.

SIR: Supplementary to the note of March 20 last, concerning the expulsion of Leon Spitzer, a naturalized citizen of the United States, from the kingdoms and countries represented in the Reichsrath, the ministry of foreign affairs has the honor to inform the honorable envoy of the United States that a communication received from the ministry of the interior shows that the opinion expressed in the above-mentioned note relative to the grounds which prompted the expulsion, as well as the statement of the steps which the authorities took in their proceedings against Spitzer, have been fully verified by the result of the investigations.

The minister of the interior now makes known that Leon Spitzer was expelled forever from the countries represented in the Reichsrath by virtue of an order published by the police dated March 2, 1892, No. 16087, on the ground of paragraph 2, section 5, of the law of July 27, 1871, No. 88, for reasons of public security, which sentence was appealed to by Spitzer and now awaits the final decision of the statthalter of Lower Austria.

The sentence is based upon the following facts:

Leon Spitzer, who went to America when he was 16 years old, was naturalized there in 1889, without previously having rendered his military obligations in this country, nor without first having obtained the consent to emigrate, as provided by the Austrian laws, although he was notified by the imperial royal consulate-general in New York, under date of July 16, 1887, by order of the magistrate of this city, to report within six months to the military board of examination at Vienna for the purpose of military duty.

Nor have any subsequent steps been taken by Leon Spitzer, or his father (Moritz Spitzer) to justify his son's neglect or to make good his shortcomings.

Not until the beginning of 1890, after having acquired naturalization in the United States, Spitzer returned to Austria and took up his permanent residence in Vienna.

The above-named having, therefore, by avoiding to render his military duty, and by taking up his domicile here, given a stimulus to actions tending to weaken the armed force of the monarchy. The ministry of the interior adds that the dispositions made regarding Spitzer are fully based upon the provisions of the law and of Article II of the treaty of September 20, 1870, because the expulsion of Spitzer, whose name was struck from the conscription rolls after his American citizenship had become evident, was not decreed as a punishment for nonfulfilment of military duty, but rather as a measure adopted by the authorities for the protection and in the interest of public order.

This alone must be regarded as a justifiable and legal act, irrespective of the fact that Spitzer, during his stay and since his return, was sentenced by decree of the court at Hietzing, dated August 26, 1891, for forging a public document, and fined 15 florins for assault and battery. His expulsion for these reasons was perfectly legal, and was demanded by public order and security.

In view of all these facts, the ministry of the interior declares to be in no position to oppose the confirmation of the decree of expulsion intended by the Statthalter of Lower Austria, but has complied with suggestions made by the ministry of foreign affairs, and has ordered that a sufficient length of time be granted to Spitzer in which to settle his private affairs before leaving the country.

The undersigned avail, etc.,

WELSERSCHEIMB,
For the Minister of Foreign Affairs.

[Inclosure 4 in No. 284.]

Mr. Grant to Count Kalnoky.

LEGATION OF THE UNITED STATES,
Vienna, June 14, 1892.

YOUR EXCELLENCY: Upon my return from Buda-Pesth, June 11, I found the esteemed note of the imperial and royal ministry of foreign affairs, dated June 10 last, and signed by His Excellency Count Welserscheimb, in which he says, "that in view of certain facts the ministry of interior declares itself not in a position to cancel the decree of expulsion, which the Statthalter of Lower Austria intends to promulgate against Leon Spitzer."

Count Welserscheimb also says in the above-mentioned esteemed note that "the ministry of the interior now makes it known that Leon Spitzer was expelled *forever* from the countries represented in the Reichsrath, by virtue of an order published by the police dated March 22, 1892, No. 18087, on the ground of paragraph 2, section 5, of the law of July 27, 1871, No. 88."

Upon a perusal of the law of July 27, 1871, No. 88, it seems evident that the imperial and royal police have, in expelling Leon Spitzer, not only violated the treaty of September 20, 1870, but also the law of July 27, 1871. For paragraph 1 of the said law provides that only persons enumerated under a, b, c, and d can be expelled from the Empire, and that their return can only be prohibited after repeated expulsions. Section I, paragraph 2, of the same law, prohibits the police from expelling anyone, not enumerated under a, b, c, and d, of section 1, for a limited time or forever. I do not presume, of course, to discuss any apparent violation of Austrian laws by the Austrian police except when, by such violation or execution, that protection of American citizens which is guarantied by solemn treaty stipulations may be denied to them.

In Article I of the treaty September, 1870, the Imperial and Royal Government of Austria-Hungary guarantees that citizens of the Austro-Hungarian monarchy who have "resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such."

Paragraph 1 of Article II provides for the return of a naturalized citizen of the United States to his native land, and limits his liability to trial and punishment for actions committed before his emigration.

Paragraph 2 of Article II details explicitly the military offenses for which a naturalized citizen of the United States, of Austro-Hungarian birth, remains liable for trial and punishment upon his return to his native land, and especially states that a

"former citizen of the Austro-Hungarian monarchy, naturalized in the United States, who by, or after, his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those enumerated in clauses numbered 1, 2, and 3, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for nonfulfilment of his military duty."

Now, recurring to the esteemed note of June 10, the imperial and royal ministry of foreign affairs is pleased to say that the intended decree of expulsion against Spitzer is based upon the following facts:

"Leon Spitzer, welcher sich in seinem 16 Lebenjahre nach Amerika begeben hatte, hat dort selbst im Jahre 1889 über sein Einschreiten die Staatsbürgerschaft in den Vereinigten Staaten erworben, ohne hierlands Wehrpflicht Gnüge geleistet, beziehungsweise die mit Rücksicht auf seine Wehrpflicht nach den Oesterreichischen Gesetzen erforderliche Bewilligung zur Auswanderung erwirkt zu haben, ungeachtet derselbe unterm 16 July 1887 vom K. and K. General Consulate in New York über Requisition des Wiener Magistrates aufgefordert worden war, sich wegen Erfüllung seiner Stellungspflicht binnen 6 Monaten der in Wien activirten ständigen Assentirungs Commission vorzustellen.

"Auch sind weder von Leon Spitzer, noch von seinem in Wien lebenden Vater, Moriz Spitzer, späterhin irgend welche Schritte unternommen worden um die Versäumniss des Esteren nachträglich zu rechtfertigen beziehungsweise zu sondiren.

"Erst Anfangs 1890, also nach erwirkter Naturalization in den Vereinigten Staaten von Amerika, kehrte Leon Spitzer nach Oesterreich zurück und nahm in Wien wieder seinen dauernden Aufenthalt.

"Nachdem der Genannte somit die gesetzlich Wehrpflicht augenscheinlich umgangen hat, und durch Gestattung seines hierländishen Aufenthaltes die Anregung zu ähnlichen, die Interessen der Wehrkraft der Monarchie schädigenden Vorgangen geboten wurde."

It does not appear that any of these accusations against Spitzer, even if just, could in any way be considered as proof of his violation of the provisions of the treaty of September 20, 1870, or justify his being sentenced to expulsion from his native country under the law of July 27, 1871, No. 88, according to which can be expelled only (*a*) a vagabond, or person unwilling to work and who lives upon public charity; (*b*) or a tramp without home or income and no visible means of support; (*c*) or a public prostitute who had been warned to leave; or a (*d*) criminal discharged from prison whose stay would endanger persons and property in the community.

It is difficult for one to fully comprehend the statement made by the imperial and royal minister of the interior, that the expulsion of Spitzer is fully based upon the law and upon Article II of the treaty of September 20, 1870, because his expulsion was not decreed as a punishment for nonfulfillment of military duty, when at the same time the imperial and royal minister of the interior says that the sentence is based upon the facts that "Leon Spitzer, who went to America when he was 16 years of age, was naturalized there in 1889, without previously having rendered his military obligations in this country, nor without having first obtained the consent to emigrate as provided by the Austrian laws, although he had been notified by the magistrate of this city, through the imperial and royal consulate-general at New York, under date of July 16, 1887, to report within six months to the military board of examination at Vienna, for the purpose of military duty. Nor have any subsequent steps been taken by Leon Spitzer or his father Moriz Spitzer to justify his neglect or to make good his shortcomings."

The object which the President of the United States had in view when he directed his plenipotentiaries to negotiate the treaty of September 20, 1870, was to fix the status of that class of naturalized citizens of the United States who had been born in the Austro-Hungarian monarchy and to secure to these citizens the privilege of returning without molestation to their native land at such times and for such periods of time as they might desire. The articles of the treaty were discussed by the plenipotentiaries appointed by the President of the United States and by His Imperial and Royal Majesty; after the plenipotentiaries had agreed upon each of the provisions of the treaty, the treaty, as a whole, was placed before the proper authorities of the respective countries, when it was reviewed, ratified, and promulgated upon the 1st day of August, 1871. Since the promulgation of this treaty, the Government of the United States has observed in the spirit and in the letter of its writings every stipulation of this treaty. Frankly, can your excellency assert that the Government of the Austro-Hungarian monarchy have done the same?

The following facts have been reported by me to the Government at Washington:

That the late political conditions of Europe have been such that the governments of Austria-Hungary have deemed it advisable to change their military laws since 1870 and adopt laws which call for a limited amount of military service from every male subject of his majesty who is capable of bearing arms; that many natives of the Austro-Hungarian monarchy have found it convenient to take advantage of the

treaty of September 20, 1870, to become citizens of the United States, solely for the purpose of evading the military duties which the government of their native land calls upon them to perform, and that these alleged American citizens, caring nothing for their adopted country, have returned immediately to their native land, thereby cheating their adopted country as well as the land of their birth, where they bring into disrepute the good name of American citizenship and make it more difficult for the United States Government to extend that watchful care and protection to its citizens abroad which all good citizens have a right to expect from their country. The authorities of the Government at Washington have authorized me to inform the Imperial and Royal Government of Austria-Hungary (I have already conveyed this information to the chiefs of section of the imperial and royal ministry of foreign affairs) of their readiness to take into consideration any amendment of the treaty of September 20, 1870, which the Imperial and Royal Government might wish to propose. Inasmuch as the people referred to are undesirable as citizens of the United States, I have no doubt but that any reasonable proposal of amendment of the treaty, which does not disallow the right of expatriation, but which would lead to obliterate from the class who emigrate to the United States those subjects of Austria-Hungary whose only purpose it is to defraud both countries, would receive favorable consideration from the United States Government. But until the treaty is legally changed the Government at Washington will abide by the provisions of that treaty as they stand and will expect the Imperial and Royal Government of Austria-Hungary to do likewise.

Taking all the facts in this case of Leon Spitzer into consideration, it seems to be my duty, as the representative of the United States, a great power now upon friendly terms with Austria-Hungary, to protest decidedly and firmly against the intended action of the Statthalterei of Lower Austria in publishing a decree of expulsion of an American citizen from all the countries represented in the Reichsrath, which expulsion is in violation of the solemn stipulations of a treaty under which he should be protected.

It may be proper for me to state here in connection with this case that Mr. Spitzer called at this legation some weeks ago, when he said that he was about to return to his home in America; he also expressed the hope that the Staathalterei would *quash* the decree of his expulsion, as its publication would prevent his visiting again in future his parents, who are now growing old. If Mr. Spitzer departed at the time he seemed to intend to leave, he is now in the United States.

The undersigned avails, etc.,

FREDERICK D. GRANT.

[Inclosure 5 in No. 284—Translation.]

Count Welserscheimb to Mr. Grant.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, June 27, 1882.

SIR: In the esteemed note of the 14th instant, No. 130, the honorable envoy of the United States was pleased to revert once more to the expulsion of Leon Spitzer, a naturalized citizen of the United States, from the countries represented in the Reichsrath, and to express the view, in the arguments brought forth, that the expulsion of Spitzer was not only in violation of the law of July 27, 1871, No. 88, on which the right of the authorities is based, but also contrary to the provisions of Article II of the treaty of September 20, 1870.

It is in this connection that the ministry of foreign affairs wishes to call the attention of the honorable envoy of the United States to the following observations:

As for the assertion that Spitzer's expulsion was in violation of the law of July 27, 1871, as Spitzer was not one of the persons enumerated in the list given in paragraph 1 of that law, who were liable to such proceedings, it will suffice to remark that Spitzer's expulsion was not based upon paragraph 1 of the law of July 27, 1871, but upon paragraph 2, line 5, of that law, as the minister of foreign affairs had the honor of observing.

Paragraph 2, line 5, of that law, however, leaves no room for doubt that, irrespective of the cases enumerated in paragraph 1, persons who are not domiciled in the territory in which this law is in force, when their stay there is a source of danger to public peace and security, may be expelled from the entire territory in which this law is valid.

It follows that the law in question, which applies to all foreigners, was applied in the present instance in perfectly legal form, and the complaint that the imperial and royal authorities, in proceeding against Spitzer, had violated the law of July 27,

1871, is totally unfounded. The further complaint that Spitzer's expulsion, as a punishment inflicted upon him, is in violation of the provisions of Article II of the treaty of September 20, 1870, is also without foundation.

In this connection the ministry of foreign affairs would once more call attention to what has already been said repeatedly, and which the note of March 20 last reiterated, that such expulsion is not to be considered as a punishment and can consequently not be called a violation of the treaty of September 20, 1870, which assertion could be made only in case the individual in question was held, on his return to this country, to perform his military duty or would be held to answer the charge of having failed to comply with the military laws.

The expulsion ordered in Spitzer's case must therefore be regarded simply as a measure adopted by the authorities to guard against the disturbance of public peace and as a right which every state possesses to exclude from its territory foreign subjects whose behavior brings them in conflict with public interest, a right the exercise of which must be reserved without special agreements and which the treaty of September 20, 1870, had neither the will nor the power to confine.

That Spitzer's expulsion is also provided for by the law of July 27, 1871, on the ground of which it was carried out, and that it does not bear the character of a punishment, is seen by reference to line 6, paragraph 2, of this law, which says that in cases where expulsion is inflicted *as punishment*, it must be provided for by the criminal laws.

In view of the foregoing, as well as with reference to the detailed statements which the ministry of foreign affairs has made to the honorable envoy of the United States in this as well as in various similar cases, it is believed that the discussion on this subject in general and on this present case in particular can now be considered as terminated, the more so in Spitzer's case, who, during his recent stay, committed two punishable actions, which alone would justify his expulsion, and of which account was given in the note of the 10th instant to the honorable envoy of the United States.

It is with much gratification that the ministry of foreign affairs has learned, from the note mentioned above, that the United States Government is ready and prepared to revise the naturalization treaty of September 20, 1870, according to mutual requirements, for which it renders its thanks and hopes that before long it will be able to make propositions with this view, which are now the subject of discussions by the respective ministries.

The undersigned avails, etc.,

WELSERSCHEIMB,
For the Minister of Foreign Affairs.

[Inclosure 6 in No. 284.]

Mr. Grant to Count Kalnoky.

LEGATION OF THE UNITED STATES,
Vienna, June 30, 1892.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of an esteemed note from the imperial and royal ministry of foreign affairs, dated June 27, and signed by his excellency Count Welserscheimb, second chief of section, which esteemed note was in reply to one from myself numbered 130, and dated the 14th of May.

In the above-mentioned esteemed note of the 27th instant his excellency, Count Welserscheimb, in referring to the case of the expulsion of Mr. Leon Spitzer, is pleased to say, on the part of the imperial and royal ministry of foreign affairs, in effect that the discussion of the right of the imperial and royal authorities to expel from this monarchy naturalized American citizens of Austro-Hungarian origin can now be considered as terminated, this being so in particular in reference to Leon Spitzer's case.

The authorities of the United States Government have as yet held to the opinion that under the treaty of September 20, 1870, naturalized citizens of the United States of Austro-Hungarian origin were guaranteed the same protection in Austria-Hungary, with three specific exceptions enumerated in the treaty, as that granted to native-born citizens of the United States. The imperial and royal authorities of Austria-Hungary place a different interpretation upon this treaty. It evidently becomes, therefore, the duty of this legation to discuss each case of explusion of a naturalized American citizen from this monarchy which may arise until the Government of the United States accepts the interpretation given to the treaty by the imperial and royal authorities or until the imperial and royal authorities concur in the interpretation made by the United States Government.

This legation makes no reference herewith to the case of Mr. Leon Spitzer and the decision of the imperial and royal ministry in regard to it, but will now hasten to forward a full report of the case to the Department of State at Washington.

I avail myself, etc.,

FREDERICK D. GRANT.

[Inclosure 7 in No. 284. Translation.]

Law of July 27, 1871, regarding the regulation of expulsion by the police.

The expulsion from a certain place or locality can be ordered only against persons who do not belong to the territory where this law is valid, and their expulsion over the frontier by the police can only be applied to the persons herein enumerated:

(*a*) Vagabonds and people unwilling to work, who live on public charity.

(*b*) Individuals without documents and home, who have no income, and no lawful means of living.

(*c*) Public prostitutes who disregard orders to leave given them by the authorities.

(*d*) Criminals discharged from prison, when their stay endangers persons or property.

At repeated expulsion return may be prohibited.

PARAGRAPH II.

The expulsion by the police from one or several places with order never to return, or not to return within a certain length of time, can be applied only to persons enumerated in paragraph 1.

It will be carried out when public interests are endangered, principally in that locality from which the person shall be removed.

The expulsion of a person from a community where his home and domicile is, is objectionable.

When the right to domicile has been acquired in a certain place, expulsion from it can not take place.

Aside from this persons who are not domiciled within the territory in which this law is in force, can be expelled from the entire territory or from part thereof, if their stay, for reasons of danger to public order or security is objectionable.

Mr. Foster to Mr. Grant.

No. 232.] DEPARTMENT OF STATE,
Washington, July 23, 1892.

SIR: I have received your No. 284 of the 1st instant, with copies of correspondence relative to the intended expulsion of Leon Spitzer, a naturalized American citizen from Austria-Hungary.

Your course in this matter has been in entire accord with the principles maintained by this Government in analogous cases, and your clear exposition and presentation of the law and facts involved leave little to add.

This Government can readily appreciate the irritation and resentment experienced by the Austro-Hungarian Government towards its former subjects who had acquired American citizenship merely to evade military duty and having secured immunity return to their former homes and sow dissatisfaction and dissension among the subjects of the Empire. Nor is the Government of the United States desirous to extend its protection to that class of persons who assume none of the duties of citizenship while claiming all of its privileges and benefits, and has expressed its readiness to consider any proposition which the Austro-Hungarian Government may make with a view to modifying the naturalization treaty of 1870.

But so long as the treaty remains in force the United States Government will insist upon a strict compliance with its terms, and after a careful examination of the case in point is reluctantly obliged to dissent from the views expressed by the Austro-Hungarian Government.

Leon Spitzer was expelled forever from the dominions of Austria-Hungary, as alleged by the Government of that country, in accordance with the provisions of Article II, section 5 of the law of July 27, 1871, which reads as follows:

> Aside from this, persons who are not domiciled within the territory in which this law is in force can be expelled from the entire territory or from part thereof, if their stay for reasons of danger to public order or safety is objectionable.

Although the right of a government to expel objectionable characters from its territory is no more denied than its right to enact any other laws or regulations of intra-territorial force which it may deem suitable or necessary, nevertheless, when such laws or regulations affect citizens of the United States, this Government expects that they be founded on the principles of reason and justice, and that they should not merely emanate from the will of an arbitrary power. Reasonable grounds therefore should exist and be made known justifying the expulsion of Leon Spitzer from the Austro-Hungarian Dominions.

I premise that as the case of Leon Spitzer does not come under the three exceptions specified in the naturalization treaty of 1870, he is in all respects and purposes on an identical footing with a natural-born American citizen.

The reasons alleged by the Austro-Hungarian Government for Spitzer's expulsion and which I quote in full from the note of Count Welsersheimb for minister of foreign affairs, to you of the 10th June, 1892, are inadequate and inconclusive. He says:

> The sentence is based upon the following facts:
>
> Leon Spitzer, who went to America when he was 16 years old, was naturalized there in 1889, without previously having rendered his military obligations in this country, nor without first having obtained the consent to emigrate, as provided by the Austrian laws, although he was notified by the imperial royal consulate-general in New York, under date of July 16, 1887, by order of the magistrate of this city to report within six months to the military board of examination at Vienna, for the purpose of military duty.
>
> Nor have any subsequent steps been taken by Leon Spitzer, or his father, Moritz Spitzer, to justify his son's neglect or to make good his shortcomings. Not until the beginning of 1890, after having acquired naturalization in the United States, Spitzer returned to Austria and took up his permanent residence in Vienna.
>
> The above named having therefore by avoiding to render his military duty and by taking up his domicile here, given a stimulus to actions tending to weaken the armed force of the monarchy. The minister of the interior adds that the dispositions made regarding Spitzer are fully based upon the provisions of the law and of article second of the treaty of September 20, 1870, because the expulsion of Spitzer, whose name was struck from the conscription rolls after his American citizenship had become evident, was not decreed as a punishment for nonfulfillment of military duty, but rather as a measure adopted by the authorities for the protection and in the interest of public order.
>
> This alone must be regarded as a justifiable and legal act, irrespective of the fact that Spitzer, during his stay and since his return, was sentenced by decree of the court at Hietzing, dated August 16, 1891, for forging a public document and fined 15 florins for assault and battery. His expulsion for these reasons was perfectly legal and was demanded by public order and security.

The first paragraphs would seem to indicate that Spitzer was expelled for nonfulfilment of his military obligations, but the untenability of this position is admitted immediately afterwards when the minister of the interior states that his expulsion "was not decreed as a punishment for nonfulfillment of military duty but rather as a measure adopted by the authorities for the protection and in the interest of public order."

The last paragraph alleges that Spitzer was convicted of forging a public document and was fined 15 florins for assault and battery as an additional reason for his expulsion.

But in the note of June 27 from Count Welsersheimb to you he states that "where expulsion is inflicted as a punishment, it must be provided for by the criminal laws."

Spitzer was therefore by distinct admission not expelled for violation of his military obligations nor for the crime and offenses of forgery and assault, but purely as a preventive or precautionary measure, by the arbitrary degree of the Austro-Hungarian Government.

Had Spitzer been expelled for an action punishable by the laws of his original country committed before his emigration, including avoidance of or desertion from his military obligations, this Government would have no occasion to intervene. And this would be equally true had Spitzer been expelled by the judgment of a competent court for the alleged crime of forgery or perhaps the offense of assault.

As however he was expelled on the vague and indefinite ground of "the interest of public order," and as no valid and explicit reasons in support of the order are alleged, your action in making a formal protest is approved by the Department.

I am, etc.,

JOHN W. FOSTER.

BRAZIL.

Mr. Foster to Mr. Conger.

No. 164.] DEPARTMENT OF STATE,
Washington, July 13, 1892.

SIR: Several years ago the Brazilian Government granted a concession to the Dom Pedro Segundo Company to lay a cable between Brazil and the United States, guarantying it an exclusive monopoly of cable communication between the two countries. The cable was not built, and the concession lapsed April 13, 1889. Three days thereafter the Brazilian directory of public works advertised for proposals for a new concession. Among the conditions upon which the Brazilian Government advertised to grant the concession were the following:

(1) The Imperial Government grants to the contracting party authorization to establish telegraphic communication, by means of one or more submarine cables, between the village of Vizeu, in the province of Para, and the coast of the United States of North America; the said contracting party to use the means within his reach to obtain a concession for that purpose from the Government of this latter country.

(2) * * * The Imperial Government guaranties to said cable or cables the exclusive right of transmitting telegrams delivered at the telegraph stations of the State destined for the United States, or coming from that country.

(3) The present concession shall be in force for the space of —— years, counted from this date, and during this space of time no other submarine telegraph line shall be authorized between Brazil and the United States.

In February, 1890, this concession was granted for a period of thirty-five years to the "Société Française des Telegraphes Sous Marins," a French corporation which has constructed its cable from Vizen to Puerto Plata, Santo Domingo.

On the 2d of December last another French company, the Compagnie Française de Paris à New York, applied to the President for permission to land a cable on our shores from Puerto Plata. It was its purpose to connect its cable there with the cable from Vizen of the "Société Française de Telegraphes Sous Marins," thus completing the monopolistic line between the United States and Brazil which was contemplated in the Brazilian concession.

The application to this Government was not granted, and as its refusal was given considerable publicity at the time it is not unlikely that it may have come to the knowledge of the Brazilian Government. In order to avoid any misunderstaning with respect thereto, and in deference to the friendly relations between that Government and this, it seems proper that I should frankly state in brief the reason why permission to land the cable in question was not given.

It has always been contrary to the policy of this Government to allow a cable to be landed upon our shores which possessed from a foreign country exclusive privileges with respect to cable communication between that country and this. The cable which it was desired to land

from Puerto Plata was simply intended as the terminal of a system of cables possessing such a monopoly. To have permitted it would have effectually prevented the laying of any other cable between the United States and Brazil. The citizens of this country, who have an equal interest with the citizens of Brazil in cable communication between the two countries, would have been prevented from participating in such cable business and deprived of all the benefits of fair and legitimate competition. Its injustice to our people is the more manifest in view of the fact that for some time the "Central and South American Telegraph Company," an American corporation, possessing no exclusive privileges from this Government and asking none of the Government of Brazil, has in vain sought the consent of that Government to lay a cable from New York direct to Rio, and also from Rio to Buenos Ayres to connect with its transandean land lines and Pacific coast cables to Galveston, Tex.

This Government appreciates the necessity for direct cable communication between the two countries, and would welcome a cable from Brazil of a Brazilian or any other company which would not exclude like cables of an American company from equal privileges.

You may communicate these views to the Brazilian minister of foreign affairs in such manner as you may deem most expedient.

I am, etc.,

JOHN W. FOSTER.

Mr. Conger to Mr. Foster.

No. 301.] LEGATION OF THE UNITED STATES,
Petropolis, August 17, 1892. (Received September 14.)

SIR: I have the honor to acknowledge the receipt of your dispatch, No. 164, of July 13 ultimo, setting forth the reasons why permission was not granted by the United States Government to the Compagnie Française du Telegraph de Paris à New York to land a cable on our shores from Puerto Plata, Santo Domingo, and authorizing me to communicate these views to the Brazilian minister of foreign affairs in such manner as I deemed most expedient.

In accordance therewith I have this day transmitted a copy of your dispatch to the minister of foreign affairs, accompanying the same with a note of my own.

I have, etc.,

E. H. CONGER.

CORRESPONDENCE WITH THE LEGATION OF BRAZIL AT WASHINTGON.

Mr. Mendonça to Mr. Blaine.

LEGATION OF BRAZIL,
Washington, May 9, 1892.

SIR: I have the honor to transmit to your excellency the inclosed letter for his excellency, the President of the United States of America, with the respective copy for your knowledge of its contents, by which his excellency, Marshal Floriano Peixoto, Vice-President of the United

States of Brazil, requests his excellency, the President, to act as arbitrator in the question of the boundary between the United States of Brazil and the Argentine Republic, in accordance with the treaty of September 7, 1889, concluded between the two republics.

I have also the honor to inclose an authentic copy in Portuguese and Spanish, as well as an English translation of the said treaty* of September 7, 1889.

Accept, etc.,

SALVADOR DE MENDONÇA.

[Inclosure—Translation.]

President Peixoto to President Harrison.

Marshal Floriano Peixoto, Vice-President of the United States of Brazil, to His Excellency the President of the United States of America:

GREAT AND GOOD FRIEND: Brazil concluded, in 1889, a treaty with the Argentine Republic, whereby it was agreed that, if the period of time therein fixed should elapse without an amicable settlement having been reached, the boundary question now pending between the two countries should be submitted to the decision of an arbitrator, who should be the President of the United States of America. This selection was made from a deep conviction of the sentiments of justice, as lofty as they are enlightened, which distinguish and characterize the chief magistrate of an American friendly nation, and with full confidence that he would not hesitate to discharge the important duties of that office, when the proper time should arrive. That time has now arrived, and I beg your excellency to accept the said office, thereby rendering an important service to both the Brazilian nation and its government.

I avail myself of this occasion to offer your excellency the assurances of my highest consideration.

FLORIANO PEIXOTO.

Countersigned,
RIO SERZEDELLO CORREA.
DE JANEIRO, *April 15, 1892.*

Mr. Foster to Mr. Mendonça.

DEPARTMENT OF STATE,
Washington, July 2, 1892.

SIR: I have the honor to apprise you, by the President's direction, of his acceptance of the post of arbitrator jointly tendered him by the Government of Brazil and the Argentine Republic, in accordance with the treaty of September 7, 1889, between them, providing for an amicable settlement of their boundary differences.

I am further directed by the President to say that it will afford him great pleasure to perform this friendly service by which a most gratifying occasion is afforded him to promote, as he confidently trusts, the good relations existing between two republics so long allied by ties of close friendship to the United States.

I inclose a copy of the President's letter to his excellency the President of Brazil, accepting the trust, and add that the original has been forwarded to the minister of the United States at Rio de Janeiro for formal delivery in the usual way.

Accept, etc.,

JOHN W. FOSTER.

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*The treaty will be found as an inclosure to the note dated May 12 from the Argentine minister, *ante*, p. 2.

[Inclosure.]

President Harrison to Vice-President Peixoto.

Benjamin Harrison, President of the United States of America, to His Excellency, Marshal Floriano Peixoto, Vice-President of the United States of Brazil.

GREAT AND GOOD FRIEND: I have received your letter of April 15th last, by which, in pursuance of a treaty concluded September 7, 1889, between the Governments of Brazil and the Argentine Republic, you request that I accept the position of arbitrator to decide the questions of boundaries now pending between the two republics.

It gives me pleasure to accept the important trust so courteously tendered on the part of both Governments, and I take occasion to express the hope that I may thus be able to promote and strengthen the amicable relations which I so greatly desire to see existing between two neighboring republics of our continent.

Accept, excellency, the assurances of my highest consideration.

Your good friend,]

BENJ. HARRISON.

By the President:
JOHN W. FOSTER,
Secretary of State.

WASHINGTON, *July 2, 1892.*

Mr. Mizner to Mr. Blaine.

No. 200.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, November 5, 1890. (Received November 21).

SIR: I have the honor to acknowledge the receipt of your instructions No. 170 of the 10th of September, and also of your No. 189 of the 6th of October, the latter inclosing a statement of Henry R. Myers, our consul at Salvador, on the subject of injuries and damages at that place.

I have also received a letter from Consul Myers dated Huron, S. Dak., October 2, inclosing a printed copy of his report to the Hon. Wm. F. Wharton, assistant secretary of state, dated September 25, 1890.

In his letter to me the consul among other things uses the following language:

> The Department instructs me to forward to you a statement of the damage done to the consulate and myself during the late troubles in San Salvador. I take it that this means that you are now authorized to settle the whole matter with President Ezeta. I will therefore inclose herewith a statement, as near as I can, of the value of property destroyed or lost. The question now arises, what is a just and full indemnity to the consul in this case? The payment for merely the property destroyed will not, as you understand, cover this case.

As yet I have not received such instructions from you as to enable me to act intelligently in the case.

The consul estimates the damage done to his own property at $739.72 in United States gold, and to that of the United States at $491.96; total, $1,231.68 in gold, and suggests $15,000 in United States gold as a proper sum to be paid him by Salvador for his personal damage.

I will be pleased to receive full instructions on the subject.

I have, etc.,

LANSING B. MIZNER.

No. 10.] *Mr. Blaine to Mr. Kimberly.*

DEPARTMENT OF STATE,
Washington, December 29, 1890.

SIR: I have to acknowledge the receipt of Mr. Mizner's No. 200, of November 5 last, relative to the damage done in July last to the property of the consulate of the United States at San Salvador, and to the private property of the consul, Mr. Henry R. Myers, and requesting instructions as to the reparation to be asked therefor. As you have already been informed, Mr. Myers also complained, in connection with the above incident, that he was prevented by the Salvadorian authori-

ties from communicating either with his Government directly or with Mr. Mizner, and that he was refused a pass to leave the country except on condition that his exequatur should at the same time be withdrawn. The treaty of 1870 is plain with respect to the right of the Government of San Salvador to withdraw Mr. Myers's exequatur upon reasonable grounds, but to refuse to give him a pass to leave the country except on that condition, while making no objection to his continuing to exercise his consular functions if he would remain, was a species of duress, the gravity of which is increased by the fact that his avowed purpose in temporarily leaving was to communicate with his Government. It would seem to have been an attempt to do indirectly what Mr. Myers charges was also done directly, namely, to prevent his communicating with his superiors. These two matters are important factors in this unfortunate affair, and so inseparably connected with the question of what is due to this Government and to Mr. Myers personally, that the Department is constrained to hold the matter of damage in abeyance until the receipt of further information from you.

Mr. Mizner, in his No. 187, of October 18 last, reported that the cable operator at La Libertad in July and August last was now in Panama, and that he had sent to him for a statement of the control exercised over his office by the authorities of San Salvador during the time mentioned. Also, in his No. 188, of the same date, he says:

> I will by the next mail communicate with the Provisional Government of San Salvador on the subject of Consul Myers being refused a pass to leave the country, and will promptly report the results.

The Department will therefore await your further advice upon these two points, on receipt of which it will again instruct you in the premises.

I am, etc.,

JAMES G. BLAINE.

Mr. Kimberly to Mr. Blaine.

No. 244.] LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
Guatemala, January 31, 1891. (Received February 20.)

SIR: I have the honor to acknowledge the receipt of your instruction, No. 10, of December 29, 1890, and to report that I fully appreciate the gravity of the Consul Myers, of Salvador, matter; but, after a careful search for the information necessary to respond to yours on the two points named, I can find nothing of record to indicate Mr. Mizner having written, as his No. 188, of October, 18, 1891, states, to the Provisional Government of Salvador, or to the La Libertad telegraph operator alleged to have been at the time mentioned in Panama; in fact, have no means of ascertaining the information except connected with Mr. Mizner's numbers to the Department, and would respectfully request the Department to begin anew this matter with necessary instructions, which shall be closely followed.

I have, etc.,

SAMUEL KIMBERLY,
Chargé d'Affaires ad interim.

Mr. Blaine to Mr. Pacheco.

No. 37.] DEPARTMENT OF STATE,
Washington, March 2, 1891.

SIR: As you will see by Mr. Mizner's No. 187, of 18th of October last, and his No. 188, of that date, he had apparently instituted certain inquiries relative to repression exercised in July last upon our consul at San Salvador, Mr. Myers, by the authorities there.

The Department called these statements of Mr. Mizner to the attention of Mr. Kimberly by its instruction No. 10, of December 29, 1890, but I regret to say that according to Mr. Kimberly's No. 244, of January 31, last, he can find nothing of record in the legation to render it so certain as could be desired that the inquiries were communicated to the parties mentioned.

You will please carry out the directions of instruction No. 10, above named, in whatever manner seems to your judgment the most desirable in order to possess yourself of documentary evidence of value throwing light on the case of Mr. Myers. Should it appear that answers have been received to the reported inquiries of Mr. Mizner, and should those answers be adequate to establish the facts, you will apprise the Department by mail.

I am, etc.,

JAMES G. BLAINE.

Mr. Pacheco to Mr. Blaine.

No. 16.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
San Salvador, March 30, 1891. (Received April 28.)

SIR: I have the honor to acknowledge the receipt of your No. 37, of March 2, relative to the repression exercised in July last upon our consul at San Salvador, Mr. Myers, by the authorities of said Republic.

The papers regarding the aforementioned case have recently been found at the legation in Guatemala. I momentarily expect their arrival, as also your instruction No. 10, of December 29, 1890. I shall immediately approach this Government concerning the matter, and obtain all documentary and other evidence available to throw light on the case of Mr. Myers.

I have, etc.,

R. PACHECO.

Mr. Wharton to Mr. Pacheco.

No. 8.] DEPARTMENT OF STATE,
Washington, July 23, 1891.

SIR: Your attention is called to instruction No. 10, of December 29, 1890, and No. 37, of March 2, 1891, relative to the case of Henry R. Myers, late consul at San Salvador. I regret that your report in response thereto has not been received.

The Department did not contemplate that your legation should have any further preliminary correspondence with the Salvadorian Govern-

ment on the subject, but inasmuch as Mr. Mizner reported that he had already addressed a note to the minister of foreign affairs, it was deemed advisable to know what reply was made thereto; and also, if convenient, that the statement of the telegraph operator should be obtained.

The matter is one which this Government, at the earliest practicable moment, desires to instruct you to formally present to the Government of Salvador. It was thought that the information requested would be useful for that purpose, but the Department can not delay its presentation of the matter longer. Upon the receipt of this, therefore, if you have not already done so, you will, without further delay, report such information, if any, as you have.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Pacheco to Mr. Blaine.

No. 60.] LEGATION OF THE UNITED STATES
IN GUATEMALA AND HONDURAS,
Guatemala, September 2, 1891. (Received September 17.)

SIR: I have the honor to acknowledge the receipt of your instructions No. 8, of July 23, 1891, and to report that by referring to Mr. Mizner's No. 188, of October, 18, 1890, you will find therein a paragraph reading as follows:

I will, by the next mail, communicate with the Provincial Government of Salvador on the subject of Consul Myers being refused a pass to leave the country.

I have made diligent search throughout our legation records but do not find anything to show that Mr. Mizner ever wrote to the Government of Salvador on the above subject. If he did, it does not appear on our books.

With regard to the needed information from Mr. Atherton, cable operator at La Libertad in July, August, and September last, I would likewise respectfully call your attention to Mr. Migzer's No. 187, of October 18, 1890, and also his No. 203, of November 10, 1890, wherein he reports in the former—

That Mr. Atherton, the cable operator at La Libertad, is now in Panama, and that I have sent to him for a written statement of the control exercised over his office by the authorities of Salvador.

And in the latter dispatch he goes on to say:

Mr. Whitney has just returned and informs me that he had several conversations with Mr. Atherton, who stated distinctly that it is a part of the contract between the cable company and the Government of Salvador that the Government should have supervision of the correspondence, and that, as a matter of fact, during the late war in July and August last the authorities of Salvador did place a guard of soldiers over the cable office in La Libertad, controlling its business. Mr. Atherton, still being in the employ of the cable company, did not, for apparent reasons, feel disposed to reduce these matters to writing.

Permit me to say, in this connection, that I can not find further information to report from the records here.

I have, etc.,

R. PACHECO.

Mr. Wharton to Mr. Shannon.

No. 11.] DEPARTMENT OF STATE,
Washington, September 26, 1891.

SIR: Referring to instruction No. 2, of 9th instant, I inclose copies of correspondence with the legation at Guatemala, on the complaint of Mr. Myers, consul at San Salvador, against the authorities of that Government, as set forth.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosures.]

From Mr. Mizner, No. 141, August 18, 1890.
To Mr. Mizner, No. 170, September 10, 1890.
To Mr. Mizner, No. 177, September 18, 1890.
To Mr. Mizner, No. 189, October 6, 1890.
The above documents were printed in Foreign Relations, 1890.
From Mr. Mizner, No. 200, November 5, 1890.
To Mr. Kimberly, No. 10, December 29, 1890.
From Mr. Kimberly, No. 244, January 31, 1891.
To Mr. Pacheco, No. 37, March 2, 1891.
From Mr. Pacheco, No. 16, March 30, 1891.
To Mr. Pacheco, No. 8, July 23, 1891 (new series).
From Mr. Pacheco, No. 60, September 2, 1891.
The above documents are printed in this volume *ante*.

Mr. Blaine to Mr. Shannon.

No. 21.] DEPARTMENT OF STATE,
Washington, November 20, 1891.

SIR: During the revolutionary disturbances at the city of San Salvador, in the month of July, 1890, the consulate of the United States was violated by the Government troops and its flag torn down and insulted. The property and archives of this Government and the personal property of Mr. Myers, the consul, were destroyed or carried away, and Mr. Myers subjected to great personal indignities and hardships. The incident was of a very grave and serious character, inconsistent with the friendly relations of the two countries, and in direct violation of article 35 of the treaty of 1870.

Therefore, Mr. Mizner, at that time the minister of this Government to the Central American Republics, proceeded to Salvador on board the United States ship *Thetis*, and arrived at La Libertad on the 8th of August. His report of what took place in this connection is contained in a dispatch,* No. 141, of August 18, 1890, a copy of which, with inclosures, was sent for your information with Department's No. 11,, of September 26, 1891. This Government could not, with self-respect, have accepted, and the Government of Salvador could not have desired to do less in reparation than the conditions which Mr. Mizner proposed to the Salvador authorities. They were:

(1) That the flag shall be hoisted in broad daylight over the consulate by a uniformed commissioned officer of the Provisional forces.

(2) As the flag is hoisted, a salute shall be made by a company of infantry, under arms, accompanied by music. If practicable, this should be accompanied by a salute with artillery.

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*Printed in Foreign Relations, 1890, p. 75.

3. That the consul of the United States shall be duly placed in possession of his office, his property, and the archives, with a full resumption of his consular rights and prerogatives, including free and undisturbed use of mail and telegraphic facilities to the minister of the United States residing at Guatemala and to the United States.

4. That the minister of the provisional government charged with the foreign relations of Salvador should address to me (Mr. Mizner) a letter expressing his regrets and apologies.

5. That as soon as practicable a satisfactory payment be made for the damage done to the property of the United States and the private property of the consul.

The two first were complied with, and the third in so far as the property and archives were remaining. After the completion of these ceremonies, Lieut. Denfield reports that he "then called on the secretary-general, who agreed to comply with the remaining articles contained in the United States minister's letter of instructions." The incident, therefore, was not considered closed by either party, and especially was the question of pecuniary damages reserved.

I inclose herewith two inventories* prepared by Mr. Myers, from which it appears that the value of the property of this Government destroyed in the consulate at the time in question amounts to $137.25, and that the value of his personal property so destroyed amounts to $2,035.40, a total of $2,172.65. It is expected that the Salvadorian Government will promptly reimburse this Government to that amount.

In addition thereto Mr. Myers makes a claim for personal injuries and sufferings, and in the opinion of this Government he is fairly entitled to some compensation on that account. He suggests that $15,000 is a proper amount to be paid him. But whether he is entitled to that or some other sum this Government is willing to leave to further mutual consideration, only desiring that the Salvadorian Government should do in this regard whatever justice shall seem to require.

There is also a still more serious complaint in connection with this affair to which Mr. Mizner adverted in the third article of the terms which he proposed in the negotiations of the 9th and 10th of August, 1890. Mr. Myers charges that he was prevented by the Salvadorian authorities from communicating with his Government directly or with Mr. Mizner, and that he was refused a pass to leave the country except on condition that his exequatur should at the same time be withdrawn. I inclose herewith an affidavit of William P. Fletcher, dated August 4, 1890, which supports the charge made by Mr. Meyers, also a copy of Mr. Mizner's 203 of November 10, 1890, reporting a conversation with the telegraph-operator formerly in charge of the submarine cable in Salvador.

Article 32 of the treaty of 1870 is plain with respect to the right of the Government of Salvador to withdraw Mr. Myers's exequatur upon reasonable grounds, but to refuse to give him a pass to leave the country except on that condition, while making no objection to his continuing to exercise his consular functions if he would remain, was a species of duress the gravity of which is increased by the fact that his avowed purpose in temporarily leaving was to communicate with his Government. It would seem to have been an attempt to do indirectly that which Mr. Myers charges was also done directly, viz: to prevent his communicating with his superiors. These two charges are important factors in this unfortunate affair and require some satisfactory explanation or reparation.

You will formally present this matter, upon the receipt of this instruc-

* For these inventories to inclosure to Mr. Shannon's dispatch, No. 45, dated January 7, 1892, *post*.

tion, to the Salvadorian minister of foreign affairs and ask that his Government will give it early attention; and you will promptly report to me his reply thereto.

I am, etc.,

JAMES G. BLAINE.

[Inclosure No. 21.]

Affidavit of William P. Fletcher.

I, William P. Fletcher, British subject and professor of languages, accompanied Henry Ray Myers, consul of the United States of America at San Salvador, to the telegraph office on August 2, when he requested the director to transmit the foregoing dispatch to Washington (Exhibit A), which the director declined doing, saying that it would injure the good reputation of this Republic, and added that to have it sent the consul would have to get an order from the secretary-general, Gen. Benj. Molina Guirola. The consul requested him to write this at the foot of the dispatch, but the directer refused to do so, saying this would give the consul ground on which to set up a claim.

Then I accompanied said consul to the secretary-general, and there, after presenting him his personal respects and exchanging mutual and friendly compliments, the consul requested permission to send said dispatch to Washington.

In reply the secretary-general said that everything stated therein was true at that time, but added that this dispatch would be read all over the world and disgrace this country, and wanted the consul to make some changes in it. To this the consul told the secretary to indicate the changes he desired to be made, and he then dictated dispatch in Spanish, hereto annexed (Exhibit B), and said dispatch was by me translated into English for the consul, and is also hereto annexed, marked Exhibit C, the consul saying he did not consider that he could send this dispatch instead of the other, but that he would think the matter over. Then the secretary requested another private interview, as he was very busy, and both parties appointed by agreement 10 a. m. next day for the interview.

On August 3, at the appointed time, I was also present during the interview, acting, as the day before, as an interpreter for both parties, when, complying with the consul's request, I translated to the secretary the following article of the treaty between the United States of America and the Republic of Salvador:

"The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the archives or papers there deposited.

"Consuls in all that exclusively concerns the exercise of their functions, shall be independent of the state in whose territory they reside."

To which the secretary replied that that was all right in time of peace, but that this was war time, and that the urgency of the case had made it necessary to do what they did. The consul said that he thought they ought to have at least given him notice, so as to have been able to put himself in safety; and the secretary replied that there had been no time to do so, and assured the consul that the breaking of the doors and the occupation of the consular office, the taking down of the flag by his troops, and the damage to property were not done with any intention of disrespect or insult to the United States, and that the Government had not the slightest intention to cause any injury to the consul, if they knew it, as personally he (Gen. Molina Guirola) and the Government had the greatest respect for the consul's uniform courtesy and gentlemanly manners, and that they were ready to pay him for all personal losses of property, submitting the question of the amount to be paid to a commission which would be appointed by the Government. The consul thereto replied that the breaking open of the consulate, the occupation of the same by his troops, the hauling down of the flag, and compelling the officer of the United States to hide in the back part of the building (surrounded only by a few stones, to escape the bullets) for thirty-one hours, without anything to eat, and then, being no longer able to remain, having to take flight from the building through holes dug in the back wall, and through heavy firing on both sides running for 2 miles, and then having to remain where the bursting of the grenades and the flying of the bullets were causing destruction all around him until about 3 a. m. on August 1, was a very important matter, which he thought it his duty to freely and without fear of personal injury lay before his Government, and that he was unauthorized to accept any compensation for personal losses or injury until his Government had all the facts before them and authorized him to make any arrangement whatever for compensation for personal

losses or injury and that it was his intention to now proceed to Washington and lay all the facts before the Government and would, therefore, request the secretary-general to give him a pass which would enable him to go through his troops and embark on board an American ship at such a time as he might be able to depart, and, in the meantime, to give him another pass which would enable him to travel anywhere within the Republic. The secretary-general then said that he would cheerfully give him a pass to enable him to travel anywhere within the Republic, but that if he wanted to leave the country he (the consul) would have to apply in writing for another pass for that purpose, and that when the consul did so he (the secretary) would grant the pass, but at the same time withdraw the consul's exequatur. The interview then closed by the secretary-general giving the consul a pass, enabling him to travel within the limits of the Republic of Salvador.

WM. P. FLETCHER.

SAN SALVADOR, *August 4, 1890.*

Subscribed and sworn before me this 5th of August, 1890, San Salvador.

[SEAL.] GUSTAVE YYANO,
Acting Consul.

EXHIBIT C.

[Translation of Exhibit B.]

SECRETARY BLAINE, *Washington:*

On hordes of Indians commanded by the revolutionary Gen. Rivas that had taken the military quarters here, and by an assault which lasted two days, troops of the Government retook them. In so doing they took possession of the consulate, and during the fight everything in the office and private residence was lost, including flag which was then hoisted. Order has been reëstablished, the constituted authorities offer me security and regards, but I fear that further on I may not be entirely satisfied, and I have resolved to leave.

SAN SALVADOR, *August 2, 1890.*

Ezeta's government offered to pay for this, which the consul declined to accept.

Mr. Shannon to Mr. Blaine.

No. 45.] LEGATION OF THE UNITED STATES,
Managua, January 7, 1892. (Received January 11.)

SIR: I have the honor now to report my action on your No. 21 of November 20, 1891, instructing me with regard to the yet unfulfilled conditions of the agreement concluded between Mr. Mizner and the Government of Salvador as a result of the occupation of the United States consulate at San Salvador by the forces of that Government in July, 1890, when, not only was the flag of our country torn down and insulted, but the public property of the United States Government, as well as the private property of its consul, destroyed.

In accordance with your instructions, I addressed a note to his excellency the minister of foreign affairs of Salvador upon the subject, and have just received his reply, copy of which, accompanied by a translation, is herewith inclosed, as well as a copy of my own note.

It will be seen from the reply that I am to receive further communications from his excellency upon the subject. So soon as received it will be promptly transmitted.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 45.]

Mr. Shannon to Señor Gallegos.

LEGATION OF THE UNITED STATES,
Managua, December 21, 1891.

Mr. MINISTER: The records of this legation show that during the revolutionary disturbances at the city of San Salvador in the month of July, 1890, the consulate of the United States was violated by the Government troops and its flag torn down and insulted. The property and archives of the United States Government and the personal property of the United States consul, Mr. Henry R. Myers, were destroyed or carried away, and Mr. Myers himself subjected to great personal indignities and hardships. The incident was of a very grave and serious character, inconsistent with the friendly relations of the two countries, and in direct violation of Article 35 of the treaty of 1870.

In consequence of these events, Mr. Mizner, at that time the minister of the United States to the Central American Republic, proceeded to Salvador on board the United States ship *Thetis* and arrived at La Libertad on the 8th of August. His report of what took place in this connection enumerates the conditions proposed by him for a settlement of the matter, and when we have carefully considered these conditions it will be clear that the Government of the United States could not, with self-respect, have accepted, nor could the Government of Salvador have desired to do less in reparation of the wrong done.

These conditions were:

"(1) That the flag shall be hoisted in broad daylight over the consulate by a uniformed commissioned officer of the provisional forces.

"(2) As the flag is hoisted a salute shall be made by a company of infantry under arms, accompanied by music. If practicable, this should be accompanied by a salute with artillery.

"(3) That the consul of the United States shall be duly placed in possession of his office, his property, and the archives, with a full resumption of his consular rights and prerogatives, including free and undisturbed use of mail and telegraphic facilities to the minister of the United States residing at Guatemala and to the United States.

"(4) That the minister of the provisional government charged with the foreign relations of Salvador shall address to me (Mr. Mizner) a letter expressing his regrets and apologies.

"(5) That as soon as practicable a satisfactory payment be made for the damage done to the property of the United States and the private property of the consul."

The first two conditions were complied with, and the third also, in so far as the property and archives were remaining. After the completion of the prescribed ceremonies, Lieut. Denfield reports that he "then called on the secretary-general, who agreed to comply with the remaining articles contained in the United States minister's letter of instructions." The incident, therefore, was not considered closed by either party, and especially was the question of pecuniary damages reserved.

I am now instructed to present to the consideration of your excellency two inventories prepared by Mr. Myers, from which it appears that the value of the property of the United States Government destroyed in the consulate at the time in question amounts to $137.25, and the value of Mr. Myers's personal property so destroyed amounts to $2,035.40, a total of $2,172.65. In view of the promise made by the secretary-general to Lieut. Denfield "to comply with the remaining articles contained in the United States minister's letter of instructions," it is expected that the Salvadorean Government will promptly reimburse the United States Government to this amount.

In addition to the above amounts, Mr. Myers makes a claim for personal injuries and sufferings, and, in the opinion of my Government, he is fully entitled to some compensation on that account. He has suggested $15,000 as a proper amount to be paid him, but whether he is entitled to that or some other sum my Government is willing to leave to further mutual consideration, only desiring that the Salvadorean Government shall do in this regard whatever justice shall seem to require.

I am also directed to call the attention of your excellency to a still more serious complaint in connection with this unfortunate affair, and to which Mr. Mizner adverted in the third article of the terms which he proposed in the negotiations of the 9th and 10th of August, 1890. Mr. Myers charges that he was prevented by the Salvadorean authorities from communicating with his Government directly, or with Mr. Mizner, and that he was refused a pass to leave the country, except on condition that his exequatur should at the same time be withdrawn. Herewith I inclose an affidavit of William P. Fletcher, dated August 4, 1890, which supports the charge made by Mr. Myers; also copy of a dispatch of Mr. Mizner, reporting a conversation with a telegraphic operator formerly in charge of the submarine cable in Salvador.

Article 32 of the treaty of 1870 is plain with respect to the right of the Government of Salvador to withdraw Mr. Myers's exequatur upon reasonable grounds, but to refuse to give him a pass to leave the country, except on that condition, while making no objection to his continuing to exercise his consular functions if he would remain, was a species of duress the gravity of which is increased by the fact that his avowed purpose in temporarily leaving was to communicate with his Government. It would seem to have been an attempt to do indirectly what Mr. Myers charges was also done directly, namely, to prevent his communicating with his superiors. I am instructed to say to your excellency that these two charges are important factors in this unfortunate affair, and require some satisfactory explanation and reparation.

In formally presenting this matter to your excellency, I am further instructed to ask that the Government of Salvador will have the goodness to give it early attention.

I have, etc.,

RICHARD CUTTS SHANNON.

Inventory of property belonging to the Government of the United States destroyed at the United States consulate in San Salvador by the Salvadorean troops July 30, 1890.

5 office chairs, at $5	$25.00
2 rocking chairs, at $7	14.00
1 table with drawers	12.50
Floor mats	12.75
Stationery	15.00
Water pitcher	2.00
Repairs to book case and writing desk	$12.00
Books and archives	19.00
Coat of arms (value estimated)	25.00
Total	137.25

Inventory of property belonging to United States Consul Myers destroyed in his dwelling at San Salvador by the Salvadorean troops July 30, 1890.

Furniture in dwelling.	
1 large walnut bedstead	$125.00
1 large walnut bedstead	80.00
2 dressing cases (large glass)	95.00
2 walnut washstands (marble top)	85.00
2 toilet sets	45.00
2 parlor rockers	45.00
4 chairs	30.00
1 large easy chair	87.00
1 handsome lounge	95.00
1 bookcase	90.00
6 common chairs	24.00
1 library table	45.00
1 round parlor table	34.00
1 handsome chandelier	46.00
1 parlor lamp	23.00
2 lamps	10.00
Ornaments, vases, etc.	75.00
Choice books, etc.	50.00
2 woven-wire spring mattresses	20.00
2 fine large hair mattresses	150.00
2 hair pillows	16.00
2 feather pillows	14.00
6 pairs linen sheets (large)	54.00
1 dozen pairs linen pillowcases	30.00
4 bedspreads	32.00
4 woolen blankets	40.00
1 cot bed	7.00
Mattress and bedding for cot	25.00
Wearing apparel.	
1 fine black cloth suit	60.00
1 fine dress coat and trousers	46.00

Wearing apparel—Continued.	
1 fine business suit	$35.00
2 plain business suits, at $25 each	50.00
1 fine heavy overcoat	60.00
1 light overcoat	45.00
8 fine shirts	24.00
10 pairs linen cuffs	5.00
16 linen collars	4.00
10 silk handkerchiefs	8.50
8 silk neckties	9.75
4 pairs kid gloves	9.50
4 fine silk undervests, at $9.40	37.60
5 fine wool undervests, at $2.50	12.50
4 pairs fine silk under drawers, at $10.20	40.80
7 pairs fine wool under drawers, at $2.25	15.75
11 pairs socks, at 75 cents	8.25
2 pairs shoes, at $5	10.00
1 pair slippers	2.75
1 fine silk hat	8.00
1 soft felt hat (black)	4.25
1 large leather traveling bag	30.00
1 small leather handbag	18.00
2 cotton nightshirts, at $1.50	3.00
1 long wool Australian night-shirt	6.25
1 French plate dressing glass	9.50
	2,035.40
For personal injuries and sufferings	15,000.00
Total	17,035.40

[Inclosure 2 in No. 45.—Translation.]

Señor Gallegos to Mr. Shannon.

MINISTER OF FOREIGN AFFAIRS,
San Salvador, January 2, 1892.

Mr. MINISTER: On the 29th ultimo I had the honor to receive the note of your excellency, dated the 15th ultimo, touching the reclamation which the American Government presents to this Republic on account of those conditions, yet unfulfilled, of the agreement entered into as a result of the occupation of the United States consulate by the forces of this Republic in July, 1890, and which occupation occasioned some damage to the property of the American Government, as well as that of the consul, Mr. Myers, and also caused the latter some personal suffering.

Not having found, for the moment, the earlier incidents of this affair, nor any notice whatever of the events alluded to, which would enable me to send your excellency an immediate reply, I have first issued the necessary instructions to obtain them, with the view of requesting afterwards the opinion of my Government upon the points presented by your excellency.

Meanwhile, I am glad to assure you that, animated as this Government is by the highest spirit of justice and conciliation, we shall, on our part, in order to prevent, even in the slightest degree, any alteration of those friendly relations which so happily exist with your excellency's Government, endeavor to reach the promptest and most complete solution of this disagreeable incident, at the same time aiming to reconcile, so far as may be possible, the mutual interests involved.

I gladly profit by the opportunity to renew to your excellency the assurances of the distinguished consideration with which I am, etc.,

SALVADOR GALLEGOS.

Mr. Shannon to Mr. Blaine.

No. 58.] LEGATION OF THE UNITED STATES,
Managua, January 30, 1892. (Received March 2.)

SIR: Referring to my No. 45, of January 7, 1892, I have the honor now to report that his excellency, the minister of foreign affairs of Salvador, has addressed me another and fuller communication in reply to my note regarding the yet unfulfilled conditions of Mr. Mizner's agreement, consequent upon the violation and occupation by the military forces of that Government of the United States consulate at San Salvador in July, 1890.

In obedience to your instruction numbered 21, of November 20, 1891, I beg to herewith transmit this reply, accompanied by a translation.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure No. 58.—Translation.]

Señor Gallegos to Mr. Shannon.

MINISTRY OF FOREIGN AFFAIRS,
San Salvador, January 11, 1892.

Mr. MINISTER: There has been received at the offices of this ministry, under my charge, the courteous note of your excellency, dated the 15th ultimo, relative to the incident of the violation of the United States consulate during the revolutionary disturbances which occurred in this capital the middle of last year, in consequence of which the American legation, then in charge of Mr. Mizner, proposed to this Government certain conditions of agreement, which your excellency enumerates, and then states that the first three conditions having been fulfilled, there still remains pending the question of pecuniary indemnity, on account of which the legation of your excellency, trusting to the offers made by the secretary-general of the provisional government to Lieut. Denfield, now presents two inventories prepared by Mr. Myers, from which it appears that the property of the American Government destroyed in the consulate amounts to $137.50, and the value of the private property of

the consul so destroyed, $2,172.65, the reimbursement of which sums by this Government is requested.

Your excellency adds that in the opinion of the American Government Mr. Myers is entitled to some additional compensation on the ground of injuries and sufferings to which he was subjected during the events referred to, and so that official makes a further claim for the sum of $15,000, but regarding which the Government of your excellency desires only that the Salvadorian Government may do whatever justice shall seem to require, this point being reserved for a later consideration.

Finally, your excellency calls the attention of this Government to the circumstance of Mr. Myers having been prevented from communicating directly with his Government and with his legation, and to the circumstance of his having been refused a passport to leave the Republic, except on the condition that his exequatur be withdrawn at the same time, and in proof of which your excellency appends a declaration of Mr. W. P. Fletcher, these two last charges being presented as important factors in this disagreeable affair, requiring some satisfactory explanation and reparation.

I immediately brought to the knowledge of the President-General of the Republic the note of your excellency and its several annexes, and in obedience to instructions received I now reply, declaring first of all, to your excellency that if, not only in the appreciation of the facts which occurred, but also of the claim based upon them, the opinion formed by this Government does not fully agree with the conclusions reached by the legation under the charge of your excellency, still not less firm on that account is the purpose which guides my Government in seeking to define the nature and responsibility of the facts referred to, not only in just regard for that which the dignity and the rights of the nation demand, but also in consideration of the relations of friendship which happily unite the two Republics.

I also desire to call the attention of your excellency to the circumstance that even before it was able to duly appreciate the facts which occurred in the American consulate, since the Republic was in the midst of a trying crisis which absorbed its whole attention, my Government sought to remove all doubt regarding its deferential and respectful attitude toward the American Government in acceding to the conditions that Mr. Mizner demanded by publicly honoring the American flag, and in like manner placing the consul, Mr. Myers, in possession of the consulate, of which he considered himself to have been temporarily deprived.

This course of action on the part of my Government, it is hoped, will be estimated at its just value by the illustrious Government of your excellency in reconsideration of the incident which gave rise to it, and in view of the claim now made.

Your excellency, referring to the conditions of the agreement proposed by Mr. Mizner, states there is still pending the condition relative to indemnity, and according to the inventories prepared by Mr. Myers, copies of which are furnished me, there is claimed, on this ground, the reimbursement of $137.25 as the value of the property of the American Government destroyed in the consulate, and $2,172.65 as the amount of the private property so destroyed belonging to the consul. My Government at once confirms, in this respect, the offers made by the secretary-general to Lieut. Denfield, since it recognizes the principle of justice upon which they rest. But, if it is an indisputable duty that an indemnity should be granted for damages caused to private property by the forces of the Government, so it is also of universal justice and constant practice among nations that the appraisal of such damages can not be left, in any case, to the individual decision of the interested parties, and much less be extended so as to equal the total value of the property so damaged; this class of claims being always subject to those general laws which each nation prescribes for itself, indemnification being regarded as a public debt for its recognition and payment.

It is not the purpose of my Government, in making these observations, to cast any doubt upon the honorable character of Consul Myers, or discuss the accuracy of the figures which he presents as the amount of damages suffered. The sole object it has in view is one inspired by higher motives, and consists in not going beyond the limits of its friendly complacency toward the worthy functionaries of the American Government by relaxing in their favor the empire of the laws, which are equally obligatory upon them as upon Salvadoreans. Otherwise there would result, besides the discredit of our institutions, the injustice of establishing a difference of conditions, leaving to our native citizens an inferior place.

Your excellency will permit me, in regard to this point, to recall the fact that the prerogatives which by international law are granted to consuls have for their sole object to facilitate the discharge of such duties as belong to them, without recognizing that they have any diplomatic character or enjoy the exemptions which are peculiar to public agents. Therefore, the protection of person and property which is to be extended to consular officials is subject to the same conditions as that which is extended to citizens, and has for its basis the obligation of opening to them the tribunals, and granting them the same freedom in the use of judicial proceedings as the natives themselves enjoy.

Setting out from this principle, my Government believes that the claim presented by Mr. Myers for the indemnification of the losses which he declares were suffered in his property and in that of the American Government, as a result of the events of July, 1890, can not be limited for the present to the mere fixing of a sum of money, so as to demand its simple reimbursement, without there being first held, in due form, those proceedings which the laws of the country prescribe and require as indispensable, before the tribunals established by the laws for proving and appraising of damages sustained, which indemnification, in like manner, is to be regulated according to general provisions.

As regards the compensation, which, in the opinion of the Government of your excellency, ought to be paid to Consul Myers on the ground of injuries and sufferings to which he declares he was subjected during the events referred to, the ministry under my charge, in the absence of data which the interested party should have laid before the tribunals of the country, instituted an inquiry by the departmental governor, in order to ascertain what in reality took place, and I am sorry to have to state to your excellency that from information thus obtained it appears that so far from Mr. Myers having suffered the slightest injury he was the subject of special consideration among the various families about him, who extended to him the most cordial hospitality, notwithstanding the difficult and unfortunate circumstances of the moment, it being further shown from the testimony alluded to that the consul had failed to make suitable return for the attentions which were lavished upon him, and rather gave ground for well-merited and bitter censures, which in deference to that official the Salvadoreans wished to overlook.

My Government, Mr. Minister, does not doubt that Mr. Myers may have experienced on that occasion painful privations and sufferings imposed by the circumstances, and all the more, if one takes into account the rather pusillanimous spirit of which he gave evident proofs; but it does not believe that, finding himself in the same general situation as that to which the entire community was subject on account of the events referred to, in themselves exceptional, this could justly be made the ground for a claim in his favor, it being frequently the case that governments are powerless to prevent occurrences of this nature, and that even among nations better organized they sometimes happen as a chastisement to communities.

Nevertheless, this point being reserved by your excellency for a mutual and ulterior consideration, my Government will respectfully await such indications as your excellency may have the goodness to offer upon the subject, not doubting that, animated by a spirit of rectitude and justice, some satisfactory solution will be reached.

Finally, I take pleasure in giving to your excellency a frank explanation of the manner in which this Government regards the facts upon which are based the charge that Mr. Myers was prevented from communicating directly with the American legation, and that of having refused him a passport to leave the Republic, unless upon the condition of withdrawing his exequatur at the same time.

I suppose your excellency is well informed of the circumstances under which occurred the incident alluded to. The capital of the Republic had been occupied by the troops of José Maria Rivas, who betrayed the government of Gen. Ezeta, at a time when his forces were defending the frontier against the armed intervention of the Government of Guatemala. The rebellion had established itself in the heart of the Republic, and it was necessary to display extraordinary activity and energy to overthrow it and reëstablish the action of the authority. In such difficult circumstances the Government, without giving truce to the rebellion, withdrew from Santa Ana a part of the army and suddenly attacked the barracks of the capital before it had been twenty-four hours in the power of the rebels, recovering the capital two days later and reëstablishing the empire of law. As soon as the firing began the neighbors of the American consul opened communication between their houses and the house of that official, considering, with reason, that they would be occupied by the forces in attacking the artillery barracks, which was situated in front of them, as indeed happened, and, in company with the consul, they took refuge in a house on the borders of the town, some 600 yards from the consulate, which during the attack offered free access to the troops to pass to the point from which the fire was directed against the enemy; the flag, probably for this reason, now being lowered, and Mr. Myers experiencing those injuries and sufferings of which he complains. Hardly had the capital been recaptured, although the frontier was in part uncovered, when Mr. Myers, without giving due credit to what had occurred, proposed to forward the telegram of which your excellency inclosed me a copy, and in which Gen. Ezeta appears as a simple military officer in command of disorganized troops, launching himself upon the capital, regardless of everything, carrying in his train destruction and disorder; when, without violating the truth, the consul could very well have informed his Government of the facts in a manner at once respectful to the chief of the nation and the well-regulated conduct which his forces had observed on that occasion, without staining, even indirectly, the good name of the representative of authority and of the army of the Republic, especially at a moment when they had been most ex-

alted by their energetic and successful efforts for the reëstablishment of order. Thus, undoubtedly, the secretary-general of the Provisional Government understood it from the first, and so, without refusing to Mr. Myers permission to inform the Department of State at Washington of what had occurred, he limited himself to simply proposing that the form of his telegram should be modified in the terms known to your excellency, altering only what could unjustly redound to the discredit of the Republic, although even as to the other points, such as those relative to the destruction of the residence and of the consulate, the truth was exaggerated to a marked degree. Mr. Myers, as your excellency can see from the declaration of Mr. Fletcher, did not wholly reject the revision of his telegram, but reserved for himself to declare afterwards if he would accept or not the substitution of one telegram for the other, and in regard to which it does not appear that he came to any final decision. Mr. Myers, therefore, was not prevented from communicating with his Government in any manner whatever, and although there was exercised a species of censure in respect to the telegram which he proposed to send to Mr. Blaine on the second day of August, 1890, for the excellent reason I have mentioned, still that exceptional measure had a legitimate basis in the abnormal condition of affairs then existing, the Republic being in a state of siege, a situation which suspends the guarantee of inviolability of correspondence.

To this reason might be added still another—that the telegram alluded to may not, in strictness, be considered as an official act or report exclusively relating to the exercise of the consular functions, the only case where officials of that class are to be recognized as independent of the State in whose territory they reside, according to treaties; the telegram being for that reason subject to the law of the state of siege, which authorizes the intervention that was exercised by the authority.

For similar reasons may be justified, in like manner, the condition imposed on Mr. Myers for issuing to him the passport which he requested so as to leave the Republic, since the guarantee of free emigration, which our institutions recognize, is another of those guarantees which are suspended by the state of siege; and if this would be perfectly legal in its common application, still, treating of the special case relative to Mr. Myers, whose departure from the country had for its evident object, as your excellency recognizes, to nullify the action taken by the Government respecting the telegram which it was proposed to send, I believe that for still stronger reasons there could be denied to that official the passport which he asked, and there could not only be imposed upon him the condition of withdrawing his exequatur, but it could be withdrawn at once.

I indulge the hope that your excellency will be able to justly appreciate the considerations herein set forth, taking always into account, as one of the most important data to judge of their merit, the exceptional circumstances in which the events occurred, and the significant proofs of deference with which my Government endeavored at first to soften the harshness of the situation to which Consul Myers was necessarily subjected, and to make amends afterwards, by public demonstrations of honor, for whatever could in any manner be considered as lowering or humiliating for the American Government, for which my Government has ever entertained, and still entertains, the most profound respect and distinguished consideration.

I remain, etc.,

SALVADOR GALLEGOS.

Mr. Blaine to Mr. Shannon.

No. 44.] DEPARTMENT OF STATE,
Washington, February 15, 1892.

SIR: The Department has received your No. 45 of 7th ultimo, in which you inclose a copy of your note presenting to the Government of Salvador the claim of Henry R. Myers, former consul at San Salvador, for losses and damage resulting from acts of the troops of that Government in July, 1890.

The response of Señor Gallegos appears to be in a friendly spirit; and a satisfactory outcome, as befits the friendly relations of the two Governments, is confidently awaited.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Shannon.

No. 53.] DEPARTMENT OF STATE,
Washington, April 6, 1892.

SIR: I have received your dispatch numbered 58, of the 30th o January last, transmitting a copy and translation of a note dated Jan uary 11, from the minister of foreign affairs of the Government of Sal vador, respecting the violation of the American consulate at San Sal vador in July, 1890. I am much pleased with the courteous an friendly tone of Señor Gallegos's note, and I only regret that its sub stance is not as satisfactory. The general circumstances out of whic the present complaint arises are not questioned. The consulate of th United States was violated by Government troops and its flag tor down and insulted. Its property and archives, as well as the privat property of its consul, were destroyed or carried away, and the consu himself subjected to great personal indignities and hardship. To b sure this occurred during revolutionary disturbances; but this fact, a well as every other palliating circumstance to which Señor Gallego refers, was anticipated by the Government of the United States an has been estimated at its fullest value. It has from the beginnin desired to treat the incident with friendly forbearance and in the mos conciliatory spirit. I am sure that its action in this respect furthe evidences the high consideration for the Government of Salvador b which this Government has been ever actuated.

It will relieve the matter of much needless general discussion to re call the present status of the questions at issue. On the 8th of August 1890, and before any steps had been taken to right the wrongs com plained of, the American minister, Mr. Mizner, arrived at La Libertad Through Lieut. Denfield he entered into an agreement with the Salva dorian secretary-general. It was expressed in writing and divide under five heads. These articles of agreement, Señor Gallegos in hi note says that his Government at once confirms, "since it recognize the principles of justice upon which they rest." The first two wer complied with at the time, and the third in so far as the property an archives were remaining. The fourth and fifth were as follows:

(4) That the minister of the Provisional Government charged with the foreign re lations of Salvador should address to me (Mr. Mizner) a letter expressing his regret and apologies.

(5) That as soon as practicable a satisfactory payment be made for the damag done the property of the United States and the private property of the consul.

So far as this Department is informed no letter expressing the re grets and apologies of the Salvadorian Government was addressed t the American minister. I have desired, however, to infer such an ex pression from the supposed desire and readiness of that Governmen to promptly reimburse the Government of the United States for th damage done to itself and to its consul.

It having been already agreed that a satisfactory payment should b made for the damage done to the property of the United States and th private property of the consul, there is no possible ground for diffe ence between the two Governments in this regard except with respec to the determination of the amount. Upon this point the note of Señ Gallegos is far from satisfactory. He says:

My Government believes that the claim presented by Mr. Myers for the indemn zation of the losses which he declares were suffered in his property and in that o the American Government, as a result of the events of July, 1890, can not be limite for the present to the mere fixing of a sum of money so as to demand its simple rein

bursement without there being first held in due form those proceedings which the laws of the country prescribe and require as indispensable, before the tribunals established by the laws for proving and appraising of damages sustained, which indemnization, in like manner, is to be regulated according to general provisions.

If any question as to whether an indemnity is due were not precluded by the terms of the agreement, I should be in doubt whether Señor Gallegos did not contend that that question should be remitted to the courts of his country. As such a question is precluded, I assume that what he means is that this Government is bound to prosecute before the Salvadorian courts the assessment of the damages due to itself for the destruction of its property and that of its consul.

It is unnecessary to discuss what the proper course would be if during the occurrences in question the property of an ordinary resident alien had been destroyed, for such is not the present case. Mr. Myers was the consul of this Government. He had no business and no interest in San Salvador separate from and independent of its business and its interests. His property which was destroyed was properly and necessarily in the American consulate, which by the terms of the treaty was declared to be inviolable. This Government only furnishes to its consuls a part of the equipment which is necessary for the conduct of its business and for their convenience. It matters not, however, whether the property in question belonged, under our consular system, partly to the United States and partly to its consul, or exclusively to the former. It was all necessarily connected with the conduct of the business of this Government and the injury done to it was as if done to the United States.

No government can be more jealous than this in preserving for its tribunals the settlement of every question properly subject to their jurisdiction. The present incident, however, in none of its phases was ever a matter within the jurisdiction of the courts of Salvador, and the less so after the two Governments "recognizing the principles of justice" governing the case, had entered into an agreement with respect thereto. It is not within the province of the courts of any country to pass upon an agreement between two governments. It would ill become the dignity of the Government of the United States, nor will it consent to submit the agreement which it has made with the Government of Salvador to any tribunal other than one of their joint making. But irrespective of the agreement, it could not consent to go itself nor to send one of its officers, whose injuries arose out of the performance of his official duties, into the courts of Salvador to determine what damage has been done.

This Government disclaims any pretense of a right to alone determine that question. I had reason to believe that the inventories of the property destroyed, prepared by Mr. Myers, were made in good faith, and I transmitted them to you for submission to the Salvadorian Government in that spirit. Having regard to the inherent difficulties—especially after this delay—of so exact a determination of the matter as would be desirable, it was thought that these schedules would probably be accepted as fair under the circumstances. This Government has no other desire, however, than to arrive at the actual damage, and it is content to make any review of Mr. Myers's statements of the same which may seem to be required. It believes that the determination of that matter ought to be arrived at without difficulty, between Señor Gallegos and yourself. Whether as an aid to its consideration you may prefer to each appoint a person to jointly examine it and report to you the result of their findings, is a mere matter of detail.

Referring now to the matter of reparation for the personal injuries which Mr. Myers suffered, although that question is not covered by the agreement, still upon general principles it is regarded as one likewise to be determined solely by the agreement of the two Governments. As it appears by Señor Gallegos's note that he awaits such suggestions as you may care to offer with respect thereto, you may inform him that you are authorized on behalf of this Government to agree upon the amount of indemnity to be paid. You may also say to him that in the opinion of this Government it can be best settled at the same time and in the same manner that the amount of damage for the property destroyed is agreed upon.

Regarding the character of the injuries which Mr. Myers sustained, the information of this Government is that they were substantial. He returned to this country soon afterwards in impaired health, attributable, it is claimed by him and believed by this Government, to the experiences which he underwent at the time of the occurrences in question.

Finally, I have read with interest Señor Gallegos' explanation of the manner in which his Government regards the facts upon which are based the charge that Mr. Myers was prevented from communicating with the American legation, and that of having refused him a passport to leave the Republic unless upon the condition of withdrawing his exequatur at the same time.

He says that "hardly had the capital been recaptured, although the frontier was in part uncovered, when Mr. Myers, without giving due credit to what had occurred, proposed to forward the telegram of which your excellency inclosed me a copy" and that "without refusing to Mr. Myers permission to inform the Department of State at Washington of what had occurred, he (the secretary-general) limited himself to simply proposing that the form of his telegram should be modified in the terms known to your excellency." He concludes, therefore, that Mr. Myers "was not prevented from communicating with his Government in any manner whatever, and although there was exercised a species of censorship in respect to the telegram which he proposed to send to Mr. Blaine on the 2d day of August, 1890, for the excellent reason I have mentioned, still that exceptional measure had a legitimate basis in the abnormal condition of affairs then existing, the Republic being in a state of siege, a situation which suspends the guaranty of the inviolability of correspondence. To this reason might be added still another—that the telegram alluded to may not in strictness be considered as an official act or report exclusively relating to the exercise of consular functions, the only case where officials of that class are to be recognized as independent of the State in whose territory they reside according to the treaties."

Whether the act of the Salvadorean Government be called prevention of communication or mere censorship, it resulted, in fact, in preventing Mr. Myers from sending the telegram to his Government which he desired to send. It does not relieve the matter that the Government of Salvador proposed another and different telegram which it was willing to permit to be sent. It was competent for the Salvadorean Government itself to communicate to this Government such a report of the facts in question as may have seemed to it proper, but not for it to dictate to an official what he should report. The Government does not recognize the pertinency of any principles which may be thought to be applicable to a state of siege or martial law. At the time of the occurrences in question the city of San Salvador was in the undisputed possession of the Government forces, and there was nothing in the situation

warranting interference with the right of free communication to which Mr. Myers was entitled by treaty and the principles of international law. Neither can this Government conceive of any communication between its consul and itself more intimately associated with his official duties than a report that the consulate and its archives had been destroyed and the performance of his official functions interrupted. Mr. Myers would have been most derelict in his duty if he had not attempted to communicate that fact. Such a communication was privileged, and in the opinion of this Government especially within the purview of the second section of article 35 of the treaty of 1870, which provides that "Consuls in all that exclusively concerns the exercise of their functions shall be independent of the State in whose territory they reside."

Señor Gallegos, for similar reasons, justifies the course of his Government in refusing Mr. Myers a passport to leave the country except upon the condition of the withdrawal of his exequatur. He finds also a further justification therefor in the fact that his "departure from the country had for its evident object, as your excellency recognizes, to nullify the action taken by the Government respecting the telegram which it was proposed to send."

Señor Gallegos' explanation strengthens my conviction of the correctness of the language which I used with respect to this phase of the case in my No. 21 of November 20 last, and which I now repeat:

> Article 32 of the treaty of 1870 is plain with respect to the right of the Government of Salvador to withdraw Mr. Myers' exequatur upon reasonable grounds, but to refuse to give him a pass to leave the country except on that condition, while making no objection to his continuing to exercise his consular functions if he would remain, was a species of duress, the gravity of which is increased by the fact that his avowed purpose in temporarily leaving was to communicate with his Government. It would seem to have been an attempt to do indirectly what Mr. Myers charges was also done directly, viz, to prevent his communicating with his superiors.

This Government, therefore, renews its protest, as it is in duty bound to do, against the interference of the Government of Salvador, both directly and indirectly, with Mr. Myers' official communications.

I am, etc.,

JAMES G. BLAINE.

Mr. Shannon to Mr. Wharton.

No. 127.] LEGATION OF THE UNITED STATES,
Managua, June 29, 1892. (Received August 1.)

SIR: Referring again to the case of Consul Myers, I have the honor to inclose herewith copy of another note I addressed, in accordance with instructions contained in the Department's No. 53 of April 6, 1892, to his excellency the minister for foreign affairs of Salvador; as well as a copy of the minister's reply, accompanied by a translation.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 127.]

Mr. Shannon to Señor Gallegos.

LEGATION OF THE UNITED STATES,
Managua, May 2, 1892.

Mr. MINISTER: Again referring to the subject of the violation of the American consulate at San Salvador in July, 1890, I have the honor now to state that the two courteous notes of the 2d and 11th of last January, which your excellency was good

enough to send me in reply to my own note of December 15, 1891, were promptly laid before my Government, and, in accordance with instructions just received, I beg to further address your excellency upon the subject, and especially in reply to your more elaborate note of the 11th of January.

The courteous and friendly tone of this note has been very gratifying to my Government, though it is to be regretted that its substance is not so satisfactory.

The general circumstances out of which the present complaint arises are not questioned. The consulate of the United States was violated by the Government troops, and its flag torn down and insulted. Its property and archives, as well as the private property of its consul, were destroyed or carried away, and the consul himself subjected to great personal indignities and hardships. To be sure this occurred during revolutionary disturbances; but this fact, as well as every other palliating circumstance to which your excellency refers, was anticipated by the Government of the United States, and has been estimated at its fullest value. It has from the beginning desired to treat the incident with friendly forbearance and in the most conciliatory spirit, while its action in this respect further evidences the high consideration for the Government of Salvador by which my Government has ever been actuated.

It will relieve the matter of much needless general discussion to recall the present status of the question at issue. On the 8th of August, 1890, and before any steps had been taken to right the wrongs complained of, the American minister, Mr. Mizner, arrived at La Libertad. Through Lieut. Denfield he entered into an agreement with the Salvadorean secretary-general. It was expressed in writing and divided into five heads. These articles of agreement your excellency declares the Government of Salvador at once confirms "since it recognizes the principles of justice upon which they rest." The first two articles were complied with at the time, and the third in so far as the property and archives were remaining. The fourth and fifth articles were as follows:

"ARTICLE 4. That the minister of the provisional government charged with the foreign relations of Salvador should address to me (Mr. Mizner) a letter expressing his regrets and apologies.

"ARTICLE 5. That as soon as practicable a satifactory payment be made for the damage done the property of the United States and the private property of the consul."

So far as the Department of State at Washington is informed, and so far as the archives of this legation can show, no letter expressing the regrets and apologies of the Salvadorean Government was ever addressed to the American minister. My Government, however, had wished to infer such an expression from the supposed desire and readiness of the Government of Salvador to promptly reimburse the Government of the United States for the damage done to itself and to its consul.

It having been already agreed that a satisfactory payment should be made for the damage done to the property of the United States and the private property of the consul, there is no possible ground for difference between the two Governments in this regard, except with respect to the determination of the amount. Upon this point the note of your excellency is far from satisfactory. Your excellency says:

"My Government believes that the claim presented by Mr. Myers for the indemnification of the losses which he declares were suffered in his property and in that of the American Government, as a result of the events of July, 1890, can not be limited for the present to the mere fixing of a sum of money, so as to demand its simple reimbursement, without there being first held in due form those proceedings which the laws of the country prescribe and require as indispensable before the tribunals established by the laws for the proving and appraising of damages sustained, which indemnification in like manner is to be regulated according to general provisions."

If any question as to whether an indemnity is due were not precluded by the terms of the agreement, one might be in doubt whether your excellency did not contend that that question should be remitted to the courts of Salvador. As such a question is precluded, my Government assumes that what is meant is that the Government of the United States is bound to prosecute before the Salvadorean courts the assessment of the damages due to itself for the destruction of its property and that of its consul.

It is unnecessary to discuss what the proper course would be if, during the occurrences in question, the property of an ordinary resident alien had been destroyed, for such is not the present case. Mr. Myers was the consul of the United States Government. He had no business and no interests in San Salvador separate from and independent of its business and its interests. His property which was destroyed was properly and necessarily in the American consulate, which by the terms of the treaty was declared to be inviolable. The Government of the United States only furnishes to its consuls a part of the equipment which is necessary for the conduct of its business and for their convenience. It matters not, however, whether the property in question belonged partly to the United States and partly to its consul, or exclusively to the former. It was all necessarily connected with the conduct of

the business of the United States Government, and the injury done to it was as if done to the United States.

No Government can be more jealous than that of the United States in preserving for its tribunals the settlement of every question properly subject to their jurisdiction. The present incident, however, in none of its phases, was ever a matter within the jurisdiction of the courts of Salvador, and the less so after the two Governments, "recognizing the principles of justice" governing the case, had entered into an agreement with respect thereto. It is not within the province of the courts of any country to pass upon an agreement between two Governments. It would ill become the dignity of the Government of the United States, nor will it consent, to submit the agreement which it has made with the Government of Salvador to any tribunal other than one of their joint making. But, irrespective of the agreement, it could not consent to go itself nor to send one of its officers whose injuries arose out of the performance of his official duties into the courts of Salvador to determine what damage has been done.

On the other hand, I am instructed to say to your excellency that the Government of the United States disclaims any pretense of a right to alone determine this question. It had reason to believe that the inventories of the property destroyed, prepared by Mr. Myers, were made in good faith, and they were transmitted to me for submission to the Government of Salvador in that spirit. Having regard for the inherent difficulties, especially after this delay, of so exact a determination of the matter as would be desirable, it was thought that these schedules would probably be accepted as fair under the circumstances. My Government has no other desire, however, than to arrive at the actual damage, and it is content to make any review of Mr. Myers's statements of the same which may seem to be required. It is believed that the determination of that matter ought to be arrived at without difficulty between your excellency and myself, and whether, as an aid to its consideration, it may be preferable for each of us to appoint a person to jointly examine it and report to us the result of their findings is a mere matter of detail.

Referring now to the subject of reparation for the personal injuries which Mr. Myers suffered, I am instructed to say that although that question is not covered by the agreement, still, upon general principles, it is regarded as one likewise to be determined solely by agreement between the two Governments. As your excellency appears to await such suggestions as I may have to offer with respect thereto, I beg to state that I am authorized to agree upon the amount of indemnity to be paid. And I am further instructed that, in the opinion of my Government, it can be best settled at the same time and in the same manner that the amount of damage for the property destroyed is agreed upon. Regarding the character of the injuries which Mr. Myers sustained, the information of my Government is that they were substantial. He returned to the United States soon afterward in impaired health, attributable, it is claimed by him and believed by my Government, to the experiences which he underwent at the time of the occurrences in question.

Finally, the honorable Secretary of State at Washington has read with interest your excellency's explanation of the manner in which the Government of Salvador regards the facts upon which are based the charge that Mr. Myers was prevented from communicating with the American legation, and that of having refused him a passport to leave the Republic unless upon the condition of withdrawing his exequatur at the same time.

Your excellency says:

"Hardly had the capital been recaptured, although the frontier was in part uncovered, when Mr. Myers, without giving due credit to what had occurred, proposed to forward the telegram of which your excellency inclosed me a copy," and that, "without refusing to Mr. Myers permission to inform the Department of State at Washington of what had occurred, he, (the secretary-general) limited himself to simply proposing that the form of his telegram should be modified in the terms known to your excellency."

Your excellency therefore concludes that Mr. Myers "was not prevented from communicating with his Government in any manner whatever, and although there was exercised a species of censorship in respect to the telegram which he proposed to send to Mr. Blaine on the 2d of August, 1890, for the excellent reason I have mentioned, still, that exceptional measure had a legitimate basis in the abnormal condition of affairs then existing, the Republic being in a state of siege, a situation which suspends the guaranty of the inviolability of correspondence. To this reason might be added still another—that the telegram alluded to may not in strictness be considered as an official act or report exclusively relating to the exercise of consular functions, the only case where officials of that class are to be recognized as independent of the State in whose territory they reside, according to the treaties."

In reply to this I am instructed to say to your excellency that whether the act of the Government of Salvador be called prevention of communication or mere censorship, it resulted in fact in preventing Mr. Myers from sending the telegram to his

Government which he desired to send. It does not relieve the matter that the Government of Salvador proposed another and different telegram which it was willing to permit to be sent. It was competent for the Government of Salvador itself to communicate to the United States Government such a report of the facts in question as may have seemed to it proper, but not for it to dictate to an official of that Government what he should report. The Government of the United States does not recognize the pertinency of any principles which may be thought to be applicable to a state of siege or martial law. At the time of the occurrences in question the city of San Salvador was in the undisputed possession of the Government forces, and there was nothing in the situation warranting interference with the right of free communication to which Mr. Myers was entitled by treaty and the principles of international law. Neither can my Government conceive of any communication between its consul and itself more intimately associated with his official duties than a report that the consulate and its archives had been destroyed and the performance of his official functions interrupted. Mr. Myers would have been most derelict in his duties if he had not attempted to communicate that fact. Such a communication was privileged, and, in the opinion of my Government, especially within the purview of the second section of article 35 of the treaty of 1870, which provides that:

"Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the State in whose territory they reside."

Your excellency for similar reasons justifies the course of the Government of Salvador in refusing Mr. Myers a passport to leave the country, except upon the condition of the withdrawal of his exequatur at the same time; and your excellency finds also a further justification therefor in the fact that his departure from the country had for its evident object * * * to nullify the action taken by the Government respecting the telegram which it proposed to send."

This explanation of your excellency has therefore only strengthened the conviction of my Government as to the correctness of the language which was used with respect to this phase of the case in my note of the 15th of December last, and which I beg now to repeat:

"Article 32 of the treaty of 1870 is plain with respect to the right of the Government of Salvador to withdraw Mr. Myers's exequatur upon reasonable grounds, but to refuse to give him a pass to leave the country, except on that condition, while making no objection to his continuing to exercise his consular functions if he would remain, was a species of duress the gravity of which is increased by the fact his avowed purpose in temporarily leaving was to communicate with his Government. It would seem to have been an attempt to do indirectly what Mr. Myers charges was also done directly, viz, to prevent his communicating with his superiors."

My Government therefore renews its protest, as it is in duty bound to do against the interference of the Government of Salvador, both directly and indirectly, with Mr. Myers's official communications.

With assurance of esteem and consideration, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 2 in No. 127.—Translation.]

Señr Gallegos to Mr. Shannon.

MINISTRY OF FOREIGN AFFAIRS,
San Salvador, May 26, 1893.

Mr. MINISTER: Painful was the impression my Government received upon reading the courteous note of your excellency of the 2d instant, in which, referring to the reply which I had the honor to make on the 11th of last January regarding the claim for indemnity considered to be due the American Government, and its consul, Mr. Myers, your excellency insists, in accordance with instructions received from the Department of State at Washington, and relying upon the agreement concluded by the American minister, Mr. Mizner, with the secretary-general of the provisional Government of this republic—in excluding wholly from the discussion whatever does not specifically relate to the fixing of the amount due, and this also without recognizing the right of the tribunals of the country to take legal action in the matter—expressing the hope that a just agreement may be reached between that legation and this ministry, either directly or aided by the concurrence of other persons who may conjointly examine the subject.

Your excellency adds, in reference to the demand for indemnity on account of the personal sufferings claimed to have been experienced by the consul, that, although this question is not included in the agreement above cited, having regard to the

general principles involved as one which can also be determined only by agreement between the two governments, and accordingly you declare yourself authorized to stipulate the amount of indemnity, which in the opinion of your Government can be better settled at the same time and in the same manner as the question of determining the amount of damages sustained. Such sufferings the American Government considers to have been of a substantial character, inasmuch as the health of that consular functionary was impaired in consequence of the sufferings he experienced during the occurrences which gave rise to this claim, as Mr. Myers himself maintains, and as his Government believes.

Finally, your excellency, in the name of the American Government, renews its protest against the direct and indirect intervention of the Government of Salvador in the official communications of the consul, inasmuch as its attitude with reference to the telegram which he proposed to send to his Government regarding the events which had occurred—although it would have had simply the force of a censure which even your excellency does not justify—had the inevitable result of preventing Mr. Myers from forwarding the telegram which he proposed to send, a course of action which had no justification either in the light of treaties or the principles of international law which recognized the right of free communication that authorized Mr. Myers to send to his Government a report so intimately connected with his official duties. This charge is corroborated by the fact of the conditional restriction imposed on Mr. Myers to withdraw from the country, your excellency considering that the very reasons with which this ministry sought to justify the course of the Government regarding this matter only strengthen the conviction of the American Government as to the exactness of the views presented in your excellency's note of the 15th of last December, which views your excellency has deemed it expedient to reproduce.

Referring to the first point, I have the honor to state to your excellency that, although in article 5 of the agreement concluded with the minister-general of the provisional Government of this Republic it was stipulated that as soon as possible an indemnity would be paid for the damages occasioned to the property of the American Government and its consul during the events which took place in this capital at the close of the month of July, 1890, it never entered into the mind of this Government to accept as an indisputable fact that such damages had actually occurred, and much less that their appraisal would be made by direct agreement with that legation, excluding all participation in the matter by the authorities of the country.

Among the attributes of the Executive of Salvador there has never been nor is there now either the power of recognizing the public debt or that of fixing the mode of its payment; such attributes belong exclusively to the legislative power, and out of due respect to that power this Government is of the opinion that there should have been embodied in the agreement referred to a statement to the effect that the payment of the indemnity was to be effected as soon as possible, this possibility referring exclusively to the legal determination of the damages sustained and of their amount, which it is not conceivable could be prevented, and much less made impossible, for the want of a mere $2,000, more or less, which is the maximum of the amount claimed.

If the terms of the agreement in providing that the indemnity be paid as promptly as possible could have no other reasonable or natural interpretation than the one which I have just pointed out, it is logical also to conclude that on the part of this Government there can not be left out of the discussion what exclusively refers to the determination of the amount due, as also there can not be prevented that participation in the matter which according to our laws belongs to the authorities of the country.

The agreement referred to can not, in the opinion of this Government, have any other force or significance than that of acknowledging in a definite and special manner the obligation of the Government to indemnify the injuries which on account of the war may have resulted to the property of the American Government and consul, as well as the general obligation it is under towards all those who may have suffered losses; but that obligation in every case is to be fulfilled as regards the manner and form of paying the indemnity according to the laws prescribed for the purpose by the competent authority, and there is no reason or provision in support of that recognition and exceptional payment insisted upon by the legation. Your excellency, in urging the importance of the agreement referred to, appears to consider it as a real international stipulation having all the force of a treaty. Allow me to observe that in reality it has not nor could it have that character. The American legation, in charge of Mr. Mizner, considered that an outrage had been committed against the United States by the fact that the troops of this Government, in the moment of combat, had lowered the flag that was displayed over the American consulate, and that the consular residence had been violated in disregard of all treaty stipulations by the mere circumstance that our troops had occupied it while advancing in their attack on the artillery barracks. In consequence of this opinion, and on no other ground than this, that high functionary ordered Lieut. Denfield, of the American

Navy, to demand satisfaction for those offenses and an indemnity for the resulting losses. This is all; and the Government of this Republic yielded, accepting the five clauses in which were embraced the claims of the legation, and at once complying with those relating to the public vindication demanded.

But neither the deference of this Government, always solicitous when seeking to express its invariable respect for the dignity of other nations, nor the character and nature of the vindication demanded, nor the form in which it was rendered can, in the opinion of this Government, allow that satisfaction to be considered as a treaty, and much less free it, in considering the questions of indemnity from the observance of the provisions of the law—the only obstacle which up to the present time has been offered by the American Government and consulate to prevent a complete settlement of the matter.

Your excellency will allow me for this purpose to repeat, as I did before in the name of my Government, that I recognize the principles of justice upon which rest the right to an indemnity for all the damages caused to the American consulate, and, without pretending to cast the slightest reflection upon the legation, to again limit, as I did before, such recognition to the fifth article mentioned, the only one to which it can be rightly referred, since, in the opinion of my Government, it was a matter of pure deference on its part to pay publicly in the way of satisfaction the homage of high consideration and respect which it believes has never been wanting, and which under all circumstances is due the American Government.

Begging you will excuse this slight digression, I appeal for the justification of our course to the Government of your excellency, which has always jealously preserved for its tribunals everything relating to their special jurisdiction, so that, appreciating a like care on the part of the Government of Salvador to preserve for its own tribunals the same respect, you may excuse this persistence when treating of the indemnity which is the object of the present claim, which indemnity, although it has been accepted in principle, can not be determined either as to its substance or its amount or the manner of paying it by setting aside the constituted tribunals and the procedure established by the legislature for that purpose. To grant access to these tribunals and subject oneself to the requirements of the laws established regarding this matter, far from implying any infraction of what your excellency calls an agreement between the two Governments is, on the contrary, in the opinion of this ministry, to seek by right ways its due fulfillment. Damages are to be compensated for, but in what do these consist? What is their value? These are the questions to be decided, and which only can be decided by the tribunals of the country in accordance with the usual methods established by the law.

The consular character of Mr. Myers and the circumstance that his property as well as that of the American Government had been injured in the consulate, which has the prerogative of inviolability, can in no respect alter these principles, inasmuch as the guaranty of property is under the safeguard of the same law, whoever be the person suffering through its infringement or whatever be the place where it is violated.

I do not think there can be inferred from the events which gave rise to this claim a premeditated and direct injury; and much less that such injury was done to American functionaries because of the fulfillment of their official duties so that this could impede in any manner whatever, morally, the proceedings of the consul before the tribunals. Any assertion to the contrary my Government must reject as a groundless charge, and does so through me in the most energetic manner, protesting that in the events referred to it can see nothing more than unpremeditated and casual accidents of the war, which, although in fact resulting in the temporary occupation of the consular residence and the lowering of the flag which served to distinguish it, does not constitute in law a true violation of the consulate nor an offense to the emblem of the sovereignty of the United States of America, the nature and ground of the consular prerogatives as well as the reason for allowing consuls the right to hoist the flag over their residences being a sufficient vindication of this charge, without taking into account the fact that the American Government had shown itself to be satisfied with the public honors paid to the national flag and with the frank expression of the excuses of the Government of Salvador.

Desiring, nevertheless, to avoid in this matter whatever can in any way be considered as reflecting upon the dignity of the Government of your excellency, the Government of this Republic has authorized me to propose, as the only means which occur to it of overcoming the difficulty without transgresisng the limits of its power or that of its friendly complacency, that this ministry submit to the tribunal of public credit sitting in this capital the information obtained regarding the injury done in the American consulate, as well as the inventory and appraisal which the legation has presented, and any other information which it may consider necessary to enable the tribunal to decide regarding the indemnity to be paid, fixing the amount and mode of payment.

With regard to the claim of indemnity for the personal sufferings of which the

consul, Mr. Myers, complains, and which your excellency proposes to settle by fixing, through mutual agreement, the amount to be paid, since it is considered, in the opinion of the American Government, to be one of those claims which can only be settled by agreement between the two governments, I have instructions to state to your excellency that in the opinion of the Executive of this Republic there are no legal grounds for accepting this part of the claim, as established, and that even when considered in the light of general principles it does not offer, in his opinion, any basis of stipulation which could lead to the determination of a sum of money to compensate such sufferings.

My Government, Mr. Minister, has never been able to consider itself as an arbiter and controller of the circumstances which caused those sufferings to the consul the same as to all the inhabitants of this capital. Such vicissitudes occur as a fatality, without the possibility of preventing or avoiding them, and this even in communities more advanced and better organized, imposing themselves by the irresistible force of facts.

Nevertheless, inasmuch as your excellency invokes the support of general principles, the interpretation of which by my Government can not be claimed to be more just than that of the American Government, I have been authorized to inform your excellency that, on the part of this Government, there is no objection whatever to submitting the decision of this point regarding the duty of the nation to indemnify pecuniarily such sufferings to the arbitral award of a friendly government chosen by common agreement, and that Salvador would regard the acceptance of this solution of the question on the part of the Government of your excellency as a very marked proof of the spirit of friendly deference and homage for the principles which form the basis of the relations of both peoples.

I conclude, Mr. Minister, by taking due note of the protests which your excellency has believed it your duty to repeat in regard to the direct and indirect interference attributed to the Government of Salvador in the official communications of the consul, Mr. Myers.

If the explanations of this ministry have not satisfied the American Government on account of a difference of opinion not only with regard to the facts of the case, but of the conduct pursued by this Government, then there only remains for me to submit in the name of my Government the justification of its conduct to what it believes it has full right, the impartial judgment of public opinion, protesting in my turn that the Government of Salvador will ever know how to show under all circumstances, as it has ever done thus far, the invariable consideration and inviolable respect which are due the American Nation and Government.

In the hope of receiving from your excellency a satisfactory reply and with renewed expressions, etc.,

SALVADOR GALLEGOS.

Mr. Shannon to Mr. Wharton.

No. 128.] LEGATION OF THE UNITED STATES,
Managua, June 30, 1892. (Received July 21.)

SIR: I have the honor to inclose herewith copy of a note (with translation) forwarded to this legation during my recent visit to San José, Costa Rica, by his excellency the minister of foreign affairs of Salvador, giving official notification of the intention of his Government to arrest the operations of the treaty of amity, commerce, and consular privileges concluded between the United States of America and the Republic of Salvador December 6, 1870. His excellency at the same time expresses the desire of his Government to renew the treaty on more satisfactory terms.

By virtue of this official notification and in accordance with the first point of article 37, the existing treaty will continue in force until May 30, 1893.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 128—Translation.]

Señor Gallegos to Mr. Shannon.

MINISTRY OF FOREIGN AFFAIRS,
San Salvador, May 30, 1892.

Mr. MINISTER: I have the honor to inform your excellency that, with the desire of renewing on more satisfactory terms the general treaty of peace, friendship, commerce, etc., concluded between this Republic and the United States of America, December 6, 1870, and the ratifications of which were exchanged March 11, 1874, the Government of Salvador has, by decree of this date, resolved to denounce the same, as in effect it now does.

The existing treaty will therefore be considered as continuing in force until May 30, of next year.

I beg your excellency to have the goodness to bring the foregoing to the knowledge of the American Government and to accept the assurances of the distinguished regard with which I am, etc.,

SALVADOR GALLEGOS.

Mr. Shannon to Mr. Foster.

No. 143.] LEGATION OF THE UNITED STATES,
Managua, July 11, 1892. (Received August 1.)

SIR: Referring still again to the case of Consul Myers, I have the honor to inclose herewith a copy of a note, with translation, that I have received from his excellency the minister for foreign affairs of Salvador, requesting me to furnish him with a certified copy of the agreement concluded in 1890 between the minister-general of the Provisional Government of Salvador and Lieut. Denfield, U. S. Navy.

Among the inclosures that accompanied the Department's instruction No. 11, of September 26, 1891, was a copy of Mr. Mizner's No. 141, of August 18, 1890, in which he reports his action in the Myers case and refers both to the "instructions" he gave Lieut. Denfield and to the latter's report showing that the "instructions" had been complied with. But neither Mr. Mizner's "instructions" nor Lieut. Denfield's report accompanied the copy of Mr. Mizner's No. 141 which was sent me.

In your No. 21, of November 20, 1891, the five conditions or articles contained in Mr. Mizner's letter of instructions to Lieut. Denfield are set out at length, and an extract is also given from Lieut. Denfield's report, referring in such terms to the agreement of the secretary-general to comply with the remaining articles that it would seem the agreement had not been reduced to writing, but was only verbal. And yet in your No. 53, of April 6, 1892, it is stated that through Lieut. Denfield Mr. Mizner entered into an agreement with the Salvadorian secretary-general and it was "expressed in writing."

As the secretary-general himself, Don Benjamin Molina Guirola, returned to San Salvador from Washington some time ago and is now in San Salvador, I have no doubt there has been learned from him all the facts of this case, and that the character of the agreement he made with Lieut. Denfield is perfectly well known to the minister for foreign affairs.

In view of all this and our peremptory refusal to take the case into the Salvadorian courts, I deem it my duty to refer this request of Dr. Gallegos for a certified copy of the agreement to the Department, and respectfully await your instructions in regard to it.

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure in No. 143—Translation.]

Señor Gallegos to Mr. Shannon.

MINISTRY OF FOREIGN AFFAIRS,
San Salvador, May 28, 1892.

Mr. MINISTER: Not finding in the archives of this ministry the original of the agreement concluded between the minister-general of the Provisional Government of this Republic and Lieut. Denfield of the American Navy, in the name of the legation which is to-day under the charge of your excellency I beg you will have the goodness to furnish me with a certified copy of the agreement, which ought to be found in the archives of the legation.

Thanking your excellency in advance for this favor, I have, etc.,

SALVADOR GALLEGOS.

Mr. Foster to Mr. Shannon.

No. 81.] DEPARTMENT OF STATE,
Washington, July 27, 1892.

SIR: I have received your No. 128, of the 30th ultimo, communicating a note of May 30, 1892, whereby the Government of Salvador announces that it will arrest the operations of the treaty of amity, commerce, and consular privileges of 1870 on the 30th May next (1893).

You will invite the suggestion by Salvador of the more satisfactory terms on which the negotiation of a new treaty is proposed.

I am, etc.,

JOHN W. FOSTER.

Mr. Shannon to Mr. Foster.

[Extract.]

No. 220.] LEGATION OF THE UNITED STATES,
Managua, October 13, 1892. (Received November 11.)

SIR: In January, 1885, Don José Dolores Gámez (not Gomez), a Nicaraguan political refugee, having embarked at San José, Guatemala, for Punta Arenas, Costa Rica, on board the Pacific Mail Company's steamship *Honduras*, Capt. James McCrae commanding, efforts were made by the Nicaraguan authorities to arrest Gámez while the steamer was lying in the port of San Juan del Sur, but without success.

Capt. McCrae refused to give up his passenger; refused to go on shore when requested by the comandante to do so; and finally, when requested not to sail for twenty-four hours, did, it is alleged, sail in two hours and without the usual permit from the comandante of the port.

For these offenses Capt. McCrae was tried in the Nicaraguan courts, but in examining those volumes of our Foreign Relations that refer to the case I find that the reports sent to the Department at the time with regard to the legal proceedings taken against the captain were not only incomplete, but wholly erroneous.

Mr. Blaine in his No. 206 of November 18, 1890, to Mr. Mizner, cites Mr. Bayard's No. 226 of March 12, 1885, as "reviewing the facts (of

the Gámez case) so far as known, and adverting to the incompleteness of the information as to the proceedings against the captain."

Mr. Bayard in his No. 226 of March 12, 1885, to Mr. Hall (vide Foreign Relations for 1885, p. 82) uses the following language:

> The consul reports that for these offenses the captain has been tried by the Nicaraguan Government and found guilty, and although he has not been able to learn the nature of the sentence, he is convinced from the present attitude of the Government that the sentence will be executed in case of the return of the captain or the vessel within the jurisdiction of the Government of Nicaragua.

Finally, Mr. H. H. Leavitt, United States consul at Managua, in his note to Mr. Hull of February 3, 1885 (vide Foreign Relations for 1885, p. 71), says:

> For these alleged offenses he (the captain) has been tried by the Nicaraguan Government and found guilty, but I have not yet been able to learn what sentence they had passed upon him.

In this connection I might also quote the words of his excellency Señor Anguiano, minister for foreign affairs of Guatemala, who, in his special report to the legislative assembly, dated March 31, 1890, regarding the capture and death of Gen. J. Martin Barrundia, at page 65, refers to the Gámez incident in the terms of which the following is a translation:

> Upon the arrival of the *Honduras* at San Juan del Sur the authorities requested the captain to deliver up Gámez. He refused to do so, and put to sea without the customary permit. For this violation of the fiscal laws of Nicaragua a suit was brought in the courts, and the captain was declared guilty by default (en rebeldia).

As I find upon inquiry that all these statements and reports regarding "the sentence passed upon" Capt. McCrae are wholly erroneous, and as the Gámez case has acquired unusual importance through the fact that Mr. Bayard's decision in reference to it was the chief ground upon which Mr. Mizner defended his course in the Barrundia affair, I have thought it desirable, in order to complete the Department's record of the case, to obtain a copy of the sentence itself, and herewith beg to transmit it accompanied by a translation.

The sentence, it will be seen, goes fully into the case, citing authorities on international law to prove that the delivery of Gámez to the Nicaraguan authorities could not properly be demanded of the captain under the circumstances; and that the charge of disrespect for the authorities brought against the latter was unfounded.

The passages cited from the writings of Bello and Calvo, and from the codes and constitution of Nicaragua, are herewith appended in the original, accompanied by translations.

I take the liberty also of adding a remarkable passage from Riquelme, the last paragraph of which refers to a supposed case similar to that of Gámez.

The sentence in the case of Capt. McCrae is dated February 9, 1885, and although it was promptly referred to the supreme court at Granada for consultation, that tribunal did not pronounce judgment till April of the present year, when a decree was issued simply approving the sentence without making any review of the case or giving any reasons.

The sentence was published in "La voz del pueblo," a newspaper of Granada, immediately after being pronounced and led to an animated discussion in the press throughout the country. * * *

I have, etc.,

RICHARD CUTTS SHANNON.

[Inclosure 1 in No. 220.—Translation.]

CRIMINAL COURT OF THE FIRST INSTANCE,
Rivas, February 9, 1885, at 11:30 a. m.

In view of the summary information officially taken against the captain of the North American steamer *Honduras*, James McCrae, supposing him to be guilty of the crime of disrespect against the authority of the governor and intendant of San Juan del Sur, Col. Don Adolfo Guerra, an adult 50 years of age, ariculturalist and resident of Potosi, it being said that the said captain openly disobeyed the said governor by not delivering up to him Don José Dolores Gámez, G., who passed by San Juan del Sur on board of the *Honduras* the 20th ultimo, which delivery was demanded by order of the supreme government; and,

Considering, that to constitute the crime of disrespect according to paragraph 5 of article 177 of the penal code, it is necessary that there should be open resistance or disobedience to the authority, which circumstances do not appear clearly shown in the present case, because if indeed it be true that Capt. James McCrae did not deliver Senor José Dolores Gámez, G., whose delivery was demanded verbally by the comandante of the port of San Juan del Sur, it is also true that such obligation on the part of the said captain did not exist, or at least is doubtful, and still more so in the form in which the delivery of the said Señor Gámez was demanded, since, although the ship from which such delivery was demanded is a merchant ship, and ships of this class, according to the general principles of international law, are subject to the local jurisdiction, this subjection is not absolute according to those same principles, but limited to crimes, as well as to offenses falling within the jurisdiction of the police and committed on board of said ship.

Considering, that if indeed it be true that Señor Gámez, when his delivery was demanded of the captain of the *Honduras* by the comandante of the port of San Juan del Sur, was in Nicaraguan waters, so also it is true that when the said Gámez took passage in that steamer it was from one of the ports of the other republics of Central America, and that this circumstance renders still more doubtful the obligation that the captain was under to deliver him up, because, when certain cases have arisen analogous to the one under consideration among nations more civilized than our own, it has been alleged, as a reason to justify the delivery, that both the embarking of the passenger, as well as his delivery, must be made in national waters.

Considering, that the said Señor Gámez is not accused of common crimes, but of political offenses according to the decree of the 9th of September of last year, which appears at pages 9 and 10 of the papers in this suit, and that it is a doctrine universally accepted in the works of writers on international law that if indeed merchant vessels are subject to the local jurisdiction as regards persons accused of common crimes, they are always exempt from that jurisdiction as regards those accused of political offenses, all of which relieve the captain from the obligation of making the delivery demanded of him.

Considering, that if for the extradition, from places which enjoy extraterritoriality, of those accused of common crimes, there are always required more formalities than that of a simple verbal order, notwithstanding that, as to this class of accused persons, governments have not presented much difficulty in stipulating their delivery, and that, as previously said, Señor Gámez is not a person accused of common crimes.

Considering, that if the disrespect charged is considered to have been shown because Capt. James McCrae did not come on shore at the demand for his presence there by the comandante of the port—in this demand that functionary did not express the object for which he required the captain's presence, and this circumstance excused the captain from appearing, since no person can be required to appear before the authorities without some justifiable cause, and at the same time stating it.

Considering, that the circumstance of the steamer *Honduras* not having remained in port the twenty-four hours which the governor required of Capt. McCrae, does not constitute a crime or offense, but only furnishes ground for a civil action, resulting from the violation of a contract, provided such violation be committed; and all this being certain, as it is, the crime of disrespect imputed to the captain of the steamer *Honduras*, James McCrae, was never committed.

In view of these considerations, therefore, and in accordance with the doctrines of Don Andres Bello, expressed in his "Principios de Derecho Internacional," chapter 4, No. 8, pages 66 and 67; the views of Don Carlos Calvo, given in his "Derecho Internacional, teórico y práctico de Europa y América," first part, chapter 5, paragraph 200, pages 314 to 317; and in view of the terms of article IV of the constitution of the Republic, article 177, paragraph 5 of the penal code, and article 186, first paragraph, of the code of criminal procedure,

I now decide, that there has been committed no crime of disrespect for which the captain of the steamer *Honduras*, James McCrae, has been tried, and in consequence I

close definitively this trial, sending this sentence for consultation to the supreme court of justice for the Orient.

Before the secretary:

LAUREANO PINEDA,
Judge.

Before me,
FERNANDO CISNEROS,
Secretary.

[Inclosure 2 in No. 220.—Translation.]

Having examined the extent of the jurisdiction we will now proceed to treat of the subject under consideration:

1. The cognizance of crimes committed in any part of the territory of the nation, be the offenders citizens or foreigners, belongs exclusively to its courts.

Consequently, the offense committed on board of any merchant ship in our waters ought to be exclusively judged and punished by our courts, it being understood by offense the violation of our laws. If an act, then, committed in a foreign ship anchored in our waters should not be prohibited by our laws, but should be by the laws of the country to which the ship belongs, the cognizance and punishment of that offense would not belong to our national courts. In virtue of the same principle the infractions of the regulations and discipline on board of the foreign ship committed by individuals of the crew are not within the jurisdiction of our courts.

(Bello: Principios Derecho Internacional, Capítulo IV, No. 8, pags. 72 y 73, edicion de Paris, 1882.)

[Inclosure 3 in No. 220.—Translation.]

Extradition properly so-called can not be applied in all cases to criminals who take refuge on board of foreign ships anchored in a port. Over foreign warships the local authorities have no jurisdiction whatever. The extradition of criminals who may have taken refuge in them should be effected by a demand made on the commander, or through diplomatic negotiations. The same does not happen with merchant vessels, which in this matter are entirely subject to the authorities of the port in which they are. Nevertheless, the rights of the local authorities to seize criminals who may have sought refuge on board of merchant vessels do not exist unless they are within the waters of the state. Many international questions may arise about the application of this doctrine.

In 1840 a French merchant vessel, *L'Océan*, received on board in the port of Valencia, Señor Sotello, an ex-Spanish minister, pursued for political reasons. The ship left the waters of Valencia and those of Spain, but having arrived at Alicante the authorities of that city went on board and arrested him. In this case the right of the Spanish authorities was unquestioned. The French merchant vessel had received the ex-minister in a Spanish port, and he was afterwards captured in a Spanish port. In the light of these facts it could have no weight that the merchant vessel had been for a more or less time on the high seas. If the vessel had received Señor Sotello at a point where there was no violation of the laws of any state, and where it could be considered as a part of the French territory, the authorities of Alicante would not have been able to rightfully arrest the said Señor Sotello.

(Calvo, Derecho Internacional, teórico y práctico de Europa y América, part 1ª, Capítulo V. Sec. 200, pags. 316 y 317 edicion de Paris, 1868.)

[Inclosure 4 in No. 220.—Translation.]

Constitution of Nicaragua.

ARTICLE IV.—The Government of the Republic is by popular representation; its object is the preservation of the liberty, equality, security, and rights of property of its members. It is divided for the purpose of administration, into three distinct powers: the legislative, the executive, and the judicial, and the attributes of each are limited to those conferred by the constitution and the laws. Every act done beyond the lawful limits of such attributes is null and void.

[Inclosure 5 in No. 220.—Translation.]

Those are guilty of want of respect for the authorities. *
5. Who openly resist or disobey the authorities.
(Article 177 of the penal code of Nicaragua.)

[Inclosure 6 in No. 220.—Translation.]

The judge will decree a provisional setting aside of the case when there shall appear only prima facie proof of the offense, or this being fully proved there result only slight presumptions against the accused; and then he will set it aside definitively.

1. When from the summary statement it results that the offense has not existed for which the accused is prosecuted, or the fact which is investigated is not legally punishable.

(Article 186, code of criminal instruction of Nicaragua.)

[Inclosure 7 in No. 220.—Translation.]

War ships being regarded as a part of their national territory, the deduction is natural that extradition could not take place except in the same manner as it takes place in the territory itself, since, otherwise, these ships would be subject to the jurisdiction of the foreign ports.

* * * * * * *

With reference to merchant vessels the rule is different, because the condition of the ship is different. A merchant vessel in a foreign port only enjoys independence in those cases where neither the tranquillity of the port nor the convenience of other individuals than those of its crew are interested. Outside of these matters it is subject to the regulations of the police and the local jurisdiction. Consequently, when it is known to the authorities that in a merchant vessel asylum has been given to a criminal they have the right to go on board to investigate the fact and to effect the extradition, but having always present the consular agent or the commander of a ship of war in the port of the same nation to which the merchant vessel belongs. If the asylum should be granted to a criminal whose concealer, by the laws of the state, would be subject to a penalty, the captain of the merchant vessel would be triable for this act, and he would be subject to the local jurisdiction.

From what is here set forth we deduce that the commander of a ship of war only responds for his conduct to his Government, while the commander of a merchant vessel responds, with his ship, to the local authorities.

The doctrine thus established refers to cases where the asylum has been granted in a port of the state to which the refugee belongs; since should he enter the ship while on the high seas or in the port of another state, although the vessel may be going to a port of the nation to which the refugee belongs, the extradition will not take place; because in granting such asylum there is no infringement of the laws of the country in which the ship is. This asylum took place when the ship was not under the local jurisdiction of the port.

(Antonio Riquelme, "Elementos de Derecho Publico Internacional," Capitulo X, pags. 249, 250, y 251, edicion de Madrid, 1849).

Mr. Foster to Mr. Shannon.

No. 111.] DEPARTMENT OF STATE,
Washington, November 3, 1892.

SIR: I have received your dispatch No. 127 of June 29th, inclosing a note from the Salvadorian minister of foreign affairs of May 26 last, relative to the case of Henry R. Myers, late consul of the United States at San Salvador. Señor Gallegos' note has received attentive consid-

eration, but it fails to change the views of this Government with respect to this unfortunate affair and the proper principles which should govern its settlement.

Inasmuch as he recognizes "the principles of justice upon which rest the right to an indemnity for all the damage caused to the American consulate," and he repeats that recognition in the name of his Government, I am unable to understand his contention that this Government should be entirely excluded from the determination of its amount. The simple statement of the difference between the respective positions of the two Governments furnishes its own comment. The Government of the United States insists that the question of the amount of indemnity is one for common agreement between the two Governments. It makes no claim of any right to determine it alone, but only to participate in its determination. The Government of Salvador, on the other hand, maintains it is a question for its own exclusive settlement through its own tribunals.

Did it promise any good purpose I should desire to consider in detail the line of Señor Gallegos' argument, but it is evident that this already prolonged discussion is not serving to bring the views of the two Governments into accord. Without reiterating, therefore, the views of this Government, which it maintains as heretofore expressed, I proceed at once to the offers with which Señor Gallegos concludes his note. He proposes to submit to the Salvadorian tribunal of public credit "to decide regarding the indemnity to be paid, fixing the amount and mode of payment." This proposition is no wise different in principle from the general one which he made January 2 last, to refer the matter to the tribunals of his own Government. This Government is necessarily as constrained to refuse the one as it was the other. If his Government desires for its own information to take the advice of its tribunal of public credit with respect to the amount of damage which was done, it of course can do so, and should the sum recommended by that tribunal be thought by this Government to be reasonably sufficient, it would gladly accept it. But it could not otherwise.

The minor and incidental question with respect to the justice of making some reparation for the personal injury done to Mr. Myers, Señor Gallegos proposes to refer to the arbitration of a friendly power. This Government always welcomes such a mode of adjustment of international differences in every proper case where such a resort becomes necessary. But I am sure the Salvadorian minister of foreign affairs will agree with me that it would be quite futile to refer to international arbitration simply an incidental feature of this case, and that its least important one. Then, too, the whole affair is hardly worthy to be dignified by a proceeding of that importance.

I feel confident that you and Señor Gallegos in a personal conference could easily agree upon a settlement of this matter mutually satisfactory to both governments. Upon the occasion, therefore, of your next visit to San Salvador you will confer with him to that end. Any reasonable sum sufficient to reimburse this Government for the destruction of its property and the property of its consul, and to afford some slight reparation to Mr. Myers for his injuries, would be entirely satisfactory. Should the Salvadorian Government upon further consideration desire of itself to propose such a sum, the spontaneity of such an offer could but strengthen the already happily existing bonds of friendship uniting the two republics.

It only remains for me to say in reply to your dispatch No. 143, of July 11, that so far as this Department is informed there was no formal

written agreement signed by Lieut. Denfield and the Salvadorian secretary-general. The words "expressed in writing" found in the Department's instruction of April 6 had reference simply to the fact that an agreement was made to carry out certain conditions which were at the time in writing, so that every occasion for misunderstanding with respect thereto was removed. I send you herewith copies of Mr. Mizner's instruction* to Lieut. Denfield and the latter's report,* which should have accompanied the copy of Mr. Mizner's dispatch No. 141, of August 18, 1890. You will observe that Lieut. Denfield says that after the first two conditions had been complied with, and the third in so far as the property and archives were remaining, he "then called on the secretary-general who agreed to comply with the remaining articles contained in the United States minister's letter of instructions." That this correctly expresses the understanding which was arrived at, I believe has never been questioned. Señor Gallegos in his note to you January 11 last said, "My Government at once confirms in this respect the offers made by the secretary-general to Lieut. Denfield, since it recognizes the principles of justice upon which they rest."

I am, etc.,

JOHN W. FOSTER.

* Printed in Foreign Relations, 1890, pp. 76, 77.

CHILE.

Mr. Egan to Mr. Blaine.

No. 284.] LEGATION OF THE UNITED STATES,
Santiago, March 24, 1892. (Received May 2.)

SIR: I have the honor to send a copy of a note which I directed to the minister of foreign relations in reference to the question of claims which has lain in abeyance since the commencement of the civil war in January of last year.

It seems to me that it would conduce very much to the establishment of better relations between the two countries if all these matters were brought to a mutually satisfactory settlement now instead of leaving them to become a source of trouble and vexation in the future. Besides, in all of the cases which have real merit the hardship inflicted upon the claimants by delay augments every year. I shall, therefore, with your approval, do all in my power to press these cases to an early settlement.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 284.]

Mr. Egan to Señor Errazuriz.

LEGATION OF THE UNITED STATES,
Santiago, March 24, 1892.

SIR: I beg to refer to my notes of 30th September and of 13th December, 1890, addressed to the ministry of your excellency with regard to certain claims of citizens of the United States against your excellency's Government, and to say that I was informed by Señor don Domingo Godoy, minister of foreign relations, at the end of December, 1890, that the various documents which accompanied my note of 13th December had been placed in the hands of the honorable fiscal of the supreme court, Señor don Ambrosio Montt, for his examination and opinion. May I ask your excellency to kindly inform me what progress has been made in said examination?

I shall proceed, without delay, to arrange and forward to your excellency the documents in support of the list of claims arising out of the war between Chile and Peru, referred to in my note of 30th September, 1890, as also some small claims arising out of the late war, and I beg to convey the assurance of my earnest desire to coöperate with your excellency in the thorough investigation of these several claims and in bringing them to a settlement that will be mutually satisfactory to our respective Governments.

Renewing, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Blaine.

No. 305.] LEGATION OF THE UNITED STATES,
Santiago, June 2, 1892. (Received July 12.)

SIR: Inclosed I have the honor to send you two copies of the message of his excellency, President Montt, delivered in person at the opening of the national Congress on yesterday. It is generally regarded as an

able and statesmanlike pronouncement, and the policy indicated, especially that portion of it which refers to the economic and financial interests of the country, must, if carried into effect, rapidly reëstablish public confidence at home and abroad.

The reference to the relations with the United States is entirely conciliatory, and the paragraph in reference to free-trade treaties with other South American countries, is virtually an adoption of the United States policy of reciprocity.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 305.—Translation.]

Extract from the annual message of President Montt to the Congress of Chile, June 1, 1892.

By the published documents you will have been made acquainted with disturbance which occurred in the streets of Valparaiso about the middle of October last, of which, besides several Chileans who were wounded, some sailors of the *Baltimore*, a vessel of war of the United States, were victims.

That unfortunate occurrence, which the Government of Chile sincerely lamented, gave rise to an exchange of notes with the Government of the United States and for a time caused a regrettable strain in the relations of the two countries. This, however, was hot long in disappearing, the incident being relegated to the category of those which find their treatment and solution in the ordinary course of diplomatic negotiations.

This is the present situation of the matter, it being allowable to hope that it must eventually reach a satisfactory ending in harmony with international justice and with the traditions of friendship which the two nations have ever maintained.

Mr. Egan to Mr. Wharton.

[Extracts.]

No. 311.] LEGATION OF THE UNITED STATES,
Santiago, June 13, 1892. (Received July 21.)

SIR: To-day I have received official information of the formation of a new ministry composed as follows: Minister of Interior, Señor don Ramon Barros Luco; of Justice and Public Instruction, don Maximo del Campo; of the Treasury, don Enrique Mac-Iver; of War and Marine, General of Division don Luis Arteaga; of Industry and Public Works, don Vicente Dávila Larain, and of Foreign Relations, Public Worship ,and Colonization, don Isidoro Errázuriz.

The ministry is composed entirely of liberals, of the most moderate men of the different groups. I have very cordial personal relations with the ministers of interior, foreign relations, and industry, and I have every reason to believe that the present cabinet will do everything possible to cultivate friendly relations with the United States.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Wharton.

No. 315.] LEGATION OF THE UNITED STATES,
Santiago, June 23, 1892. (Received August 1.)

SIR: The present cabinet shows a very earnest desire to cultivate good relations with the Government of the United States and with this legation; and as I intimated in my telegram the minister of for-

eign relations, Señor don Isidoro Errazuriz, has expressed his strong desire to make with me a prompt and friendly settlement of the *Baltimore* claims, and has also expressed his willingness to aid in every way in having the other claims considered and finally disposed of. I would suggest that the claim of Patrick Shields, of the steamer *Keewcenaw*, should be dealt with along with the *Baltimore* claims, as I have reason to know there is a good disposition to settle that at same time, provided the compensation claimed be not unreasonable.

The long delay that has taken place in relation to the claims arising out of the war between Chile and Peru has entailed great hardships upon many of the claimants, but especially in the cases of Mr. DuBois and some of those whose homes were so wantonly destroyed after the battles of Miraflores and Chorillas. Those claims should, I submit, be pressed to an early settlement.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Wharton.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, June 23, 1892.

Mr. Egan, in view of the strong desire expressed to him by the minister for foreign affairs for a prompt and friendly settlement of the claims growing out of the *Baltimore* incident to be made with the minister of the United States, asks that particulars be sent to him at the earliest date practicable.

Mr. Egan to Mr. Wharton.

No. 316.] LEGATION OF THE UNITED STATES,
Santiago, June 26, 1892. (Received August 1.)

SIR: Remembering the French proverb that *qui s'excuse s'accuse*, and feeling that my whole course of conduct from the moment of my appointment to the charge of this legation was so well understood and so favorably appreciated by his excellency the President and by the Department of State that it needed neither explanation nor apology, I have abstained from taking any notice of personal attacks made upon me through the press by the pro-English element here or by their allies in the United States, however vile and virulent they may have been. I perceive, however, by the newspapers that have arrived by the last mail that two persons here, a Señor Ricardo L. Trumbull, of Santiago, and his first cousin, a Dr. Juan Trumbull, of Valparaiso, have addressed certain communications conveying imputations against this legation, against the United States consulate in Valparaiso, and against the commanders and officers of the U. S. Navy, to a member of Congress, and although the Department has not considered it necessary to communicate with me or ask for any explanation in reference to those statements, I feel that in justice to myself and to the other officers of the United States so unscrupulously assailed, I should not permit the matter to pass unnoticed.

In the first place, in order that the Department may be able to more fully appreciate the source from which those charges or imputations emanate and the value to be placed upon the claim of these men to credence on account of the patriotism and eminent respectability of their family, I deem it right to inform you that Dr. Juan Trumbull was born in Valparaiso, and that his father, Rev. David Trumbull, on the 9th of December, 1885, solemnly renounced his citizenship of the United States, and in accordance with section 3 of article 6 of the Chilean constitution was naturalized a citizen of Chile. I inclose a translation of the decree of naturalization. His son has always been more Chilean than the Chileans themselves, and throughout the late unfortunate difference between the United States and Chile, in company with some three others of the same class, has shown the most bitter hostility against everyone who dared to stand up for the honor of the United States flag or Government. His cousin, Señor Ricardo L. Trumbull, whose name is so well known to the Department in connection with the *Itata* matter, is son of Dr. James H. Trumbull, during whose term as United States consul at Talcahuano from 1862 to 1867 there occurred, in connection with that consulate, such disgraceful monetary scandals. Gen. Judson Kilpatrick, then United States minister, in reporting upon this matter in his dispatch to the Department dated 15th February, 1867, No. 41, says:

On the 23d of January I proceeded to Talcahuano in the U. S. S. *Dacotah*, and immediately upon reaching that place notified the consul of the object of my visit and took possession of the books and papers of the consulate for my examination of the consular accounts and inspection of the hospital. I found numerous evidences of improper conduct on the part of the consul and, as the investigation progressed, discovered a regular system of fraud upon the Government practiced in administering relief to seamen.

Gen. Kilpatrick then proceeds to give details of a system of fictitious vouchers on the part of Dr. Trumbull and his partner and brother-in-law, Dr. Burton, which charges were practically admitted by Dr. Trumbull on his defense, and the result was the removal of Dr. Trumbull from the position of United States consul conveyed in the dispatch of Mr. Secretary Seward to Dr. Trumbull, dated 17th May, 1867. This Señor Ricardo L. Trumbull is now in very considerable discredit with this Government and with a large section of the people on account of what they consider his gross want of discretion and mismanagement in the matter of the *Itata*, and he and his cousin endeavor to divert public attention from this fact by fomenting attacks against the United States representatives—a course which, I am assured by the minister of foreign relations, is very much opposed to the feelings and wishes of the present Government, which strongly desires to cultivate good relations with the Government of the United States and with its actual representatives in Chile.

The imputations contained in the letter of Señor Juan Trumbull, whose veracity is vouched for by his cousin, amount to five in number:

First. That Consul McCreery dealt in exchange upon the strength of important diplomatic information supplied to him by me, and that he and I were jointly interested in such dealings.

Second. That my son had certain interests in supporting the Balmaceda Government—referring to a slander freely circulated by this same Trumbull that my son, Francis W. Egan, had held large contracts from the Balmaceda Government.

Third. That I had "sought to give Balmaceda a cable line to Callao to further his ends."

Fourth. That I had cabled "an urgent request for the sale of a cruiser."

Fifth. That, referring to the visit of the United States flagship *San Francisco* to Quinteros, "the 1,400 men killed at Placillas directly owe their death to the interference of the U. S. Navy."

The other matters referred to in the rambling communication of Señor Trumbull are too ridiculous and absurd to deserve notice.

In reply I have to say—

First. I never have given to Consul McCreery or to anyone else any confidential diplomatic or other information connected with or obtained through this legation, and I never have had with Consul McCreery or with anybody else a single cent's worth of speculation or dealings in exchange outside the sale of the drafts on the Department for salary and expenses which I have been in the habit of requesting Consul McCreery to sell for me. Hence the admission in the letter of Señor Juan Trumbull: "There are other things which tend to implicate Mr. Egan in these exchange deals, *though I frankly own that his shrewdness has made it impossible for me to get any proof against him.*" Upon this and all other matters connected with this legation I court the fullest investigation.

Second. My son never has had any contract or dealing of any kind or nature whatsoever in which the Government of Chile was directly or indirectly interested, with the exception of a contract for laying track on some 20 miles of railroad at Huasco, which he obtained in 1890, not from the Chilean Government, but from the representative of the North and South American Construction Company; and upon this contract, owing to the hostility of the Government engineers who supervised the work, and during the period of the Balmaceda Government, he lost $1,500.

Third. As will be seen by my dispatch No. 174 of 25th June, 1891, I was instructed by the Government to use good offices to obtain for the Central and South American Telegraph Company permission to construct a line from Valparaiso to Santiago and on to the Argentine frontier. The Balmaceda Government met this application by saying: "Yes, we will grant the permission asked if this company will open direct communication between Callao or Iquique and Valparaiso." This arrangement I endeavored to carry into effect, not in the interest of the Balmaceda Government, but of the Central and South American Telegraph Company, whose headquarters are in New York.

Fourth. I refer to my telegram of 21st April, 1891, which, as a matter of courtesy to the Government to which I was accredited, conveyed its request that the proposition of the Chilean minister at Washington for the purchase of a war ship might be considered, but which does not contain one word of recommendation from me and nothing that could justify the color sought to it by this Señor Trumbull.

Fifth. The frank, manly, and clear letter addressed to me on 8th September, 1891, by Admiral Brown, containing an account of his visit to Quinteros in the United States flagship *San Francisco*, which was widely published here in Spanish and English, copy of which I sent on 17th of September, 1891, to the minister of foreign relations here, and in my dispatch of same date (No. 203) to the Department, contains a full and complete answer to this miserably slanderous accusation.

In conclusion, I may state for the information of the Department, that the greater part of the bad feeling displayed in a section of the Chilean press, particularly in Valparaiso, during the past nine months towards this legation, towards Consul McCreery, Admiral Brown, Capt. Schley, Capt. Evans, Lieut. Harlow, and in fact towards everyone holding any representative position from the United States, has been fomented and encouraged by a little clique in Valparaiso consisting of this Señor Juan

Trumbull, a Mr. Plotner, and a Mr. Shrigley, both dentists, and a Mr. Spencer, a photographer, aided by the correspondent of the New York Herald, whose main object is to utilize for their personal gain the anti-American feeling created by the *Itata* and other questions.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 316.—Translation.]

Naturalization of David Trumbull.

REPUBLIC OF CHILE,
General archives of the Government.

The undersigned, chief of the general archives of the Government, certifies:

That in the volume of records entitled "Intendencia de Valparaiso," for the year 1885, is found the following record:

No. 2331. Valparaiso, 9th December, 1885. The secretary of the municipality, under to-day's date, communicates the following:

"The illustrious municipal corporation in session, of 7th instant, unanimously resolved that whereas Mr. David Trumbull, a citizen of the United States, has applied for a letter of naturalization in conformity with section 3, article 6, of the political constitution, therefore, be it resolved, that this petition be forwarded to his excellency the President of the Republic, that the corresponding letter of citizenship may be issued to Mr. Trumbull, which I forward to your excellency for the ends of the case."

And I to your excellency for the same ends.

D. DE TORO H.

A true copy of the original.

JULIO GACTA.

Mr. Foster to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 1, 1892.

Mr. Foster conveys to Mr. Egan the gratification of the President at the desire of the Chilean Government, expressed in Mr. Egan's telegram of the 23d of June, and expresses the belief that the indemnity to the relatives of the seamen killed, and to the men who survived injuries received while wearing the uniform of the United States, shall be proportionate to the gravity of the affair. He requests information by telegram as to the views of the Chilean Government in regard to prompt compensation.

Mr. Egan to Mr. Foster.

No. 318.] LEGATION OF THE UNITED STATES,
Santiago, July 2, 1892. (Received August 11.)

SIR: I had the honor to receive to-day your telegram of yesterday instructing me to endeavor to ascertain the views of the Chilean Government as to the proper compensation to be paid to the families of the two men killed and to the seventeen men wounded in the attack upon the men of the *Baltimore* in October last. I accordingly had an interview to-day with the minister of foreign relations and found that however

desirous the present Government may be to settle this matter it can not indicate the amount to be paid, nor can it, I believe, consent to any liberal compensation except as the result of arbitration. I again referred to the general list of claims, as set forth in my note of 30th September, 1890, and said that having read the report of the fiscal of the supreme court, Señor Don Ambrosio Montt, upon the claims of citizens of Spain and Ecuador, and the manner in which that gentleman had referred, not only to the claims, but to the governments that had supported them, I had considerable hesitation in submitting these claims to him. Señor Errázuriz said that, of course, the opinion of the fiscal would not bind the Government, whereupon I asked if some arrangement could not be come to for submitting them directly to arbitration, and thus avoid a delay apparently unnecessary and the danger of some expression of opinion on the part of the fiscal that might not be considered friendly by my Government. Señor Errázuriz at once expressed his approval of the idea provided that such arbitration should embrace the *Baltimore* claims as well as the others; in fact all claims up to date, and added that he would be in favor of adopting the simplest possible form of arbitration. He requested me to suggest a plan for the formation of a tribunal of arbitration, to which I replied that I would telegraph my Government for instructions on the whole question, and meantime he stated he would consult with the President and his colleagues of the cabinet on the matter.

I send you to-day telegram summarizing the foregoing, and recommending that under the circumstances stated everything should be left to arbitration.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Foster.

[Extract.]

No. 319.] LEGATION OF THE UNITED STATES,
Santiago, July 2, 1892. (Received August 11.)

SIR: In consequence of the translation into a section of the Chilean press of the infamous letters addressed by the Señores Ricardo L. and Juan Trumbull to certain members of the United States Congress, in one of which Señor Juan Trumbull says: "The 1,400 men killed in the Placillas directly owe their death to the interference of the United States Navy," the attacks upon Admiral Brown and other naval officers of the United States have been again renewed, with even more than former venom.

In a leading article, which appeared in yesterday's edition of El Heraldo, a leading radical-liberal organ of Valparaiso the false charges against Admiral Brown and the officers of the cruiser *San Francisco* are again emphasized. Referring to my note of 17th September last, addressed to the minister of foreign relations, conveying Admiral Brown's denial of the charges, it says:

In the note directed to the minister of foreign relations, Mr. Egan speaks of the "scandalous charges" which have been made against Rear-Admiral Brown, and insists on maintaining that the disembarkation at Quinteros was already known to the agents of Balmaceda. This is, without doubt, the fact; the Dictatorial Government knew of the disembarkation of some troops at Quinteros, but they could not have known if that was a regular attack or a false disembarkation in order to cover a different plan of campaign, and this was what they learned through the American naval officers who communicated to Mr. Viel the number of ships and the approximate number of effective troops which they had brought.

In view of the effect upon the opinions of the unreasoning and uneducated masses in Valparaiso and other Chilean ports, of these repeated and scandalous attacks, and the danger should the opportunity offer of further attacks being made in consequence upon the uniform of the United States, similar to the murderous assault upon the men of the *Baltimore*, I deemed it my duty to address to-day to the minister of foreign relations a note upon the subject, copy of which I beg to hand herewith (inclosure No. 1).

I am glad also to be able to inclose translation (inclosure No. 2) of a letter published in La Republica of this city, of 29th June ultimo, two days prior to the appearance of the slanderous article in El Heraldo, signed by Señor Don A. Valdes Carrera, who at the time of the landing of the Congressional forces at Quinteros was governor of Quillota and who is a gentleman of entire reliability.

Señor Valdes Carrera says that at 5:30 o'clock in the morning of the 20th August he advised to President Balmaceda the arrival of the Congressional squadron in the Bay of Quinteros, and also to Admiral Viel, intendente of Valparaiso; that he had the landing watched by advanced pickets, who from moment to moment telegraphed all details of the landing up to 4:30 o'clock in the evening, when they announced the completion of the disembarkation nearly one hour before the *San Francisco* arrived back from her voyage to Quinteros Bay.

This agrees exactly with the statement of Admiral Brown, conveyed in his letter to me of 8th September, copy of which I inclosed in my dispatch No. 203 of 17th September last, and is a complete answer to the scandalous charges so constantly repeated here against him and against other officers of the U. S. Navy.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 319.]

Mr. Egan to Señor Errazuriz.

LEGATION OF THE UNITED STATES,
Santiago, July 2, 1892.

SIR: On September 17 last, foreseeing and fearing the danger that might arise to the friendly relations of our respective countries from the reckless and utterly unfounded charges made against Admiral Brown, of the U. S. Navy, over the signature of Señor Don Ismael Valdez Vergara, and freely repeated by a section of the Chilean press, which fears were afterwards so fatally confirmed a month later by the attack upon and killing and wounding of a number of the crew of the United States cruiser *Baltimore* in Valparaiso, I considered it my duty to address to the ministry of your excellency a note conveying copies of a letter of Admiral Brown addressed to me, in which that officer gave a clear and positive denial to the odious charges made against him.

From time to time since, notwithstanding this denial of Admiral Brown, the same charge of having given important information to the Balmaceda Government has been made against both him and his officers until the statement has become almost an accepted part of the history of Chile.

Only yesterday, the 1st instant, El Heraldo, of Valparaiso, in one of its leading articles, repeated the charges and added: *

"En la nota dirijida al Ministerio de Relaciones Esteriores habla el Señor Egan de los 'cargos escandalosos' que se han hecho al contra-almirante Brown e insiste en sostener que el desembarco de Quinteros era ya conocido de los ajentes de Balmaceda. El hecho es sin duda exacto; el gobierno dictatorial conocía el desembarco de algunas tropas en Quinteros pero no podía saber si era aquello un ataque en regla ó un falso desembarco para cubrir un plan diverso de campaña y eso fué lo que supo por los oficiales de marina Americanos que comunicaron al Señor Viel el número de buques y el efectivo aproximado de las tropas que aquellos traian."

This additional calumny is completely answered in a letter of Señor Don A. Valdes Carrera, ex-governor of Quillota, which I find published in La Republica, of this city, of 29th ultimo, two days before the publication of the article in El Heraldo, copy of which I inclose for the information of your excellency. In this letter Señor Valdes Carrera says:*

"El que suscribe, gobernador de Quillota, a las 5:30 a. m. del 20 de agosto, puso telegrama al Excelentísimo Señor Balmaceda, avisando la llegada de la Escuadra a Quinteros i comienzo del desembarco, e igual aviso dió al almirante Viel i al jeneral Alcerreca, i que momento a momento telegrafiaba a mis superiores dando las noticias del caso.

"Las revolucionarios eran inspeccionados por las avanzadas que tenia en ese lugar; una de ellas llevaba un telegrafista con máquina de mano, el que a cada instante comunicaba lo que ocurria.

"De este modo avisé el desembarco con todos sus detalles, hasta número exacto de fuerzas de cada arma, número de lanchas empleadas en desembarco i número de trasportes, i a las 4:30 p. m. anunciaba terminacion del desembarco, ántes que almirante Viel tuviese conocimiento de estos sucesos por el cablegrama que el oficial norte Americano le llevara para ser visado i remitido a su gobierno."

I shall not enter further into the question of these offenses against the honor of trusted officers of the United States naval service except to repeat to your excellency what I stated in my note of September 17 last, already referred to. It is to be regretted that charges of this nature, calculated to weaken the cordial feelings of friendship which ought to unite our people, should be so recklessly made.

I have not brought to the notice of your excellency's ministry, nor do I intend to do so, the vile and utterly untruthful statements leveled against me as minister of the United States by this same section of the press, being content to leave entirely to my own Government the appreciation of such attacks.

Renewing, etc.,

PATRICK EGAN.

[Inclosure 2 in No. 319—From La Republica, Santiago, June 29—Translation.]

The EDITORS OF LA REPUBLICA: I have read in El Ferrocarril of the 22d instant, No. 11425, an article calumniating the worthy representatives of the United States of America in this country with the heading "More Light," translation from the New York World for El Mercurio.

In this publication there is an attempt to prove that Admiral Brown and Lieut. Dyer, of the American Navy, were occupied in informing President Balmaceda of the advance of the revolutionists and of the disembarkation at Quinteros on 20th of last August.

As a proof that is unimpeachable he publishes a cablegram that said Admiral Brown sent to his Government after he had been at Quinteros on the afternoon of that day and had assured himself of the actual disembarkation of the troops—which cablegram was viséed by our Admiral Viel.

Lieut. Dyer went on shore in Valparaiso at 5:10 p. m. to have his cablegram viséed and send it to his Government, at which hour, says the World, Admiral Viel learned of the disembarkation by means of the advice which he received from the officers of the American Navy. This is the proof the New York World adduces, according to the assertions of Dr. Trumbull, agent of the revolutionists at Valparaiso.

From the above statements the management of the affairs of the country appear in a very brilliant light since it was necessary that a foreign admiral should inform our Government of the landing of the enemy on the coast twelve hours after it had occurred.

Let the New York World and the traitor Trumbull both know that the undersigned governor of Quillota, at 5:30 a. m. on the 20th of August, telegraphed to President Balmaceda, informing him that the fleet had arrived at Quinteros and had begun the disembarkation, and that I at the same time advised Admiral Viel and Gen. Alcerreca, and each moment thereafter I telegraphed my superior officers, giving them news of what occurred.

The revolutionists were watched by the pickets which I had stationed at Quinteros. One of these parties had with them a telegraph operator with a portable instrument, and he informed me each moment of what occurred.

By these means I advised the landing of the troops with all details, even the exact number of forces in infantry, artillery, and cavalry, the number of launches employed in the disembarkation, and the number of vessels, and at 4:30 p. m. I announced that the disembarkation of the troops was concluded, before Admiral Viel learned of

*The translation of what follows will be found in Mr. Egan's covering dispatch.

these occurrences through the cablegram which the American naval officer took him to be visćed and remitted to his Government.

This is the truth of what occurred, and proves the calumny the most powerful weapon of the revolutionists.

I remain, etc.,

A. VALDES CARRERA.

Mr. Foster to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 5, 1892.

Mr. Foster calls Mr. Egan's attention to the fact that he has overlooked, in his suggestion to include the *Baltimore* incident among older claims, that it was undesirable on account of its important features to join this question with ordinary claims; he states that the Government of the United States has not changed its belief that the question was deemed to be capable of honorable adjustment by the usual diplomatic methods, as expressed to the Government of Chile when arbitration was proposed; he remarks that Chile made, in international conferences on the subject of arbitration of questions in which national honor is involved, declarations which are now particularly applicable; that the United States under analogous circumstances has several times offered a voluntary compensation, and that a frank and friendly offer of the same nature would be signal proof of good will; that close amity would thereby be much more effectively promoted than by a protracted litigation of a point of honor, and that after a satisfactory adjustment of the *Baltimore* case there could certainly be no difficulty in arranging the details concerning the arbitration of other claims.

Mr. Egan to Mr. Foster.

[Extract.]

No. 320.] LEGATION OF THE UNITED STATES,
Santiago, July 7, 1892. (Received August 11.)

SIR: I beg to refer to my No. 319 of 2d instant, inclosing copy of my note addressed to the minister of foreign relations on the subject of the repeated attacks made by a section of the Chilean press upon the honor of Admiral Brown and other officers of the U. S. Navy, and now inclose translation of the reply of the minister thereto.

I have, etc.,

PATRICK EGAN.

[Inclosure in No. 320.—Translation.]

Señor Errazuriz to Mr. Egan.

DEPARTMENT OF FOREIGN RELATIONS,
Santiago, July 6, 1892.

SIR: I have had the honor to receive the communication of your excellency dated 2d instant, in which, after repeating that stated by your excellency to this department on a former occasion with reference to certain comments made by the press on

the conduct observed by Admiral Brown during the disembarkation of the constitutional forces at Quinteros, your excellency incloses a printed cutting in which the ex-governor of Quillota under the Balmaceda administration explains the manner in which the knowledge of the disembarkation of the said forces reached the authorities.

I have taken careful note of the dispatch of your excellency, which I have read with marked interest, and in acknowledging the receipt of it to your excellency I am glad to avail, etc.,

ISIDORO ERRAZURIZ.

Mr. Egan to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, July 11, 1892.

Mr. Egan reports that an indemnity for the seamen of the *Baltimore* has been agreed to by the minister for foreign affairs, who this day offers $75,000 in gold, and that the Congress will be asked, without delay, for the approval to which the offer is subject. Mr. Egan recommends that it be accepted and confirmed at once.

Mr. Foster to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 12, 1892.

Mr. Egan is informed that Chile's offer of $75,000 indemnity in the *Baltimore* case will be cordially accepted, subject to the condition named; and is directed to receive and accept payment by exchange of notes as promptly as possible.

Mr. Egan to Mr. Foster.

No. 326.] LEGATION OF THE UNITED STATES,
Santiago, July 12, 1892. (Received August 11.)

SIR: I beg to refer to my No. 318 of 2d instant in relation to the question of compensation in the *Baltimore* case, and to say that on receipt of your telegram of 5th, I had an interview with the minister of foreign relations on the matter, and brought to his attention the importance of making a frank and friendly offer, which would be so much more conducive to friendly relations between the two countries than a protracted litigation. He on the other hand contended for the convenience of arbitration, especially because such a mode of arrangement would not call up any discussion in Congress; however, he finally said that if the United States would not willingly accept this mode of settlement Chile should adopt the other. On the 8th instant we had another interview, when the minister asked me if a sum of $50,000 would be

accepted by the United States. I made reference to the sum paid by the United States to Italy in the New Orleans lynching cases, and expressed the opinion that under all the circumstances of present case, so different from those of New Orleans, the indemnity should be $100,000. The minister promised to consult with his colleagues of the cabinet and give me an answer at 3 o'clock on 9th instant. He was very positive, however, that the Shields case could not be included in this arrangement on account of the difficulties that such inclusion might cause in the Chamber of Deputies.

On 9th instant, on account of the impossibility of having a meeting of the cabinet, the minister was not prepared to give a definite answer, but stated that his excellency the President had suggested that the President of the United States might be asked to name the sum to be paid. To this I replied that I did not think the President would undertake to do so, as he would practically be in the position of dictating the sum that Chile should pay, and that such a step would take away in great measure the spontaniety of the action of the Chilean Government. We arranged another interview for 11th instant. When we met on 11th instant the minister informed me that the question had been discussed by the cabinet and the conclusion had been arrived at to make an offer of $75,000 in gold, which I promised to communicate and recommend to my Government. Upon receiving assurance of the acceptance of this proposal the Congress will at once be asked to vote the amount named.

On 8th instant I telegraphed and on yesterday I forwarded telegram conveying the offer of the Chilean Government.

In my interview of yesterday I referred again to the general list of claims and the minister promised to give them his consideration with a view to arranging an arbitration as soon as we shall have definitely arranged the case of the *Baltimore*.

I feel it my duty to say that nothing could be more cordial and friendly than the manner in which the minister, Señor Don Isidoro Errazuriz, has treated this whole matter of the *Baltimore* question, and I have expressed to him, officially and personally, my acknowledgments for the friendly spirit he has shown.

I have, etc.,

PATRICK EGAN.

Mr. Foster to Mr. Egan.

No. 215.] DEPARTMENT OF STATE,
Washington, July 15, 1892.

SIR: In acknowledging the receipt of your No. 305 of the 2d ultimo, transmitting a copy of the message of President Montt to the Chilean Congress, I can not refrain from expressing the Department's appreciation of the frank and conciliatory language of President Montt in regard to the adjustment of the *Baltimore* affair. The telegrams recently exchanged justify the expectations entertained on both sides that a mutually honorable settlement was attainable through the diplomatic resort.

I am, etc.,

JOHN W. FOSTER.

Mr. Egan to Mr. Foster.

No. 331.] LEGATION OF THE UNITED STATES,
Santiago, July 16, 1892. (Received August 22.)

SIR: I have the honor to refer to my No. 326 of 12th instant and to say that on 14th instant I communicated verbally to the minister of foreign relations the purport of your telegram of 12th instant, in regard to offer of compensation in the *Baltimore* case, at which he expressed much pleasure. To-day I received a note from him dated 13th instant, translation of which is herewith inclosed, formally, on behalf of his Government, placing at my disposal the sum of $75,000 gold, with the request that it be distributed among the families of the two men killed and those who received personal injuries in the attack of 16th October last in Valparaiso.

In accordance with the authority conveyed in your telegram, I have replied cordially accepting same, copy of my note herewith, inclosure No. 2.

In a few days I hope to receive and remit the amount named above, and thus bring to a satisfactory conclusion this very deplorable occurrence.

I have, etc.,

PATRICK EGAN.

[Inclosure 1 in No. 331.—Translation.]

Señor Errazuriz to Mr. Egan.

DEPARTMENT OF FOREIGN RELATIONS,
Santiago, July 13, 1892.

SIR: In conformity with the indications which I made to your excellency as soon as I entered, in June last, upon the duties of the office which I hold, I have now the honor to communicate to your excellency that my Government places at the disposition of your excellency the sum of $75,000 gold, requesting that it may be distributed between the families of the two seamen of the crew of the United States cruiser *Baltimore*, who died from wounds received in Valparaiso the 16th October, 1891, and those of the crew of the same ship who may have suffered personal injuries more or less grave from that lamentable occurrence.

The undersigned would have been pleased to give effect before now to the offer referred to, but he has had delay and embarrassment for want of exact knowledge of the necessities to which the Government of Chile proposed to satisfy; and it was for this reason that the undersigned permitted himself to indicate to your excellency that the sum which he desired to place at your disposition should be fixed by some high functionary of the United States who would find himself in a better position to know the injuries caused to the persons and families of the crew of the *Baltimore* than we could be.

I renew, etc.,

ISIDORO ERRAZURIZ.

[Inclosure 2 in No. 331.]

Mr. Egan to Señor Errazuriz.

LEGATION OF THE UNITED STATES,
Santiago, July 16, 1892.

SIR: I have the honor to acknowledge the receipt of the attentive note of your excellency of 13th instant communicating to me that in conformity with the desire expressed by your excellency upon undertaking the duties of the office in June last for an early and friendly arrangement of the *Baltimore* question, the Government of your excellency now places at the disposition of the undersigned the sum of $75,000 in gold, with the request that it be distributed among the families of the two sailors

of the crew of the cruiser *Baltimore* who died from the wounds received in Valparaiso the 16th October, 1891, and among those of the crew of the same ship who may have suffered personal injuries more or less grave in the same lamentable event.

On the part of my Government I accept with pleasure the sum which the Government of your excellency has been pleased to place at my disposition for the purpose indicated. In doing so I beg to convey to your excellency my expression of the very cordial feelings with which the Government of the United States of America appreciates this frank, friendly, and entirely satisfactory compensation on the part of the Government of Chile, and I am confident that this generous and spontaneous action on the part of your excellency's Government will do much to cement those bonds of cordial friendship that I trust shall ever unite our sister republics.

I avail, etc.,

PATRICK EGAN.

Mr. Foster to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 19, 1892.

Mr. Egan is congratulated on the settlement of indemnity for the assault upon the sailors of the U. S. S. *Baltimore*, and is authorized to negotiate a convention for the settlement of claims against Chile.

Mr. Egan to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Santiago, July 27, 1892.

Mr. Egan reports the acceptance by the Chilean Government of an arbitration to be held in Washington. It proposes that one arbitrator be named by the President of each country, and that the Chief Justice of the Supreme Court of the United States will decide all differences between the two arbitrators. Mr. Egan thinks that if the proposition is not satisfactory, the Chilean Government will agree to have the President of one of the Republics in Europe designate a third arbitrator.

Mr. Foster to Mr. Egan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 28, 1892.

Mr. Foster informs Mr. Egan that a board of three members, not two and an umpire, is what is desired, and directs him to suggest, in view of the impossibility for the Chief Justice to accept to be third member of the tribunal, that the choice be made by mutual consent of the two governments, the president of Switzerland to name the third arbitrator in case no agreement can be reached within a certain specified period after exchange of ratifications.

Mr. Egan to Mr. Foster.

[Extract.]

No. 335.] LEGATION OF THE UNITED STATES,
Santiago, August 2, 1892. (Received September 12.)

SIR: I am much gratified to learn that my action in bringing about the settlement of the *Baltimore* question is so favorably appreciated.

In conformity with the authority conferred upon me, I at once opened up negotiations with the minister of foreign relations with a view of arranging a settlement of all pending claims between the United States and Chile by means of an arbitration. The minister suggested various methods, including the submission of the claims to the chief justice of the supreme court of Switzerland, and I on the other hand suggested arbitration by means of a commission of three commissioners to sit in Washington; one commissioner to be named by the President of Chile, one by the President of the United States and the third by the President of one of the American Republics. The minister finally accepted my suggestion that the arbitration be held in Washington and proposed that the President of the United States should name one commissioner, the President of Chile another, and that all questions of difference between the two should be left to the decision of the Chief Justice of the Supreme Court of the United States. I stated in reply that I appreciated and I was sure my Government would appreciate most cordially the spirit which dictated this proposition, but that I was quite sure the Government of the United States would not desire to have this responsibility thrown upon it, and I believe also that the Chief Justice of the Supreme Court could not consent to act.

I have now fully arranged with the minister that all claims pending between the two governments shall be submitted to a tribunal of arbitration composed of one commissioner to be named by the President of Chile, one by the President of the United States, and a third to be chosen by mutual accord between the President of Chile and the President of the United States within three months from the exchange of ratifications of the convention, and if the two Presidents shall not agree within three months to name such third commissioner, then he shall be named by the President of the Swiss Confederation; the arbitration to be held in the city of Washington.

I have already drafted the protocol on the same lines as the French-American convention of 1880, and I hope to be able to report the signing in English and Spanish within a few days. The convention is drawn so as to include all pending claims.

I have, etc.,

PATRICK EGAN.

Mr. Egan to Mr. Foster.

[Extract.]

No. 339.] LEGATION OF THE UNITED STATES,
Santiago, August 13, 1892. (Received September 29.)

SIR: I have the honor to refer to my No. 335, of 2d instant, and to inform you that the claims convention, which I therein reported as agreed upon for the arbitration of all pending claims, has been signed by the minister of foreign relations and myself, approved by the senate

on yesterday and by the camara or chamber of deputies to-day, in both cases in secret session and by unanimous vote.

Inasmuch as the convention provides for the arbitration of "the claims made by the citizens of either country against the government of the other," and as it is doubtful if the sailor, Patrick Shields, of the steamer *Keewcenaw*, ill-treated by the police in Valparaiso in October, 1891, is actually a citizen of the United States or a subject of Great Britain, I made special reference to his case in my interviews with the minister of foreign relations. I handed to the minister in writing an extract from paragraph No. 171, of the United States Consular Regulations, edition 1888, as follows: "The principles which are maintained by this Government in regard to the protection, as distinguished from the relief of seamen, are well settled. It is held that the circumstance that the vessel is American is evidence that the seamen on board are such, and that in every regularly documented merchant vessel the crew will find their protection in the flag that covers them," and I asked if it would be necessary to insert a special clause in the convention to include this case. The minister and also the subsecretary of the ministry of foreign relations assured me that it was not necessary to do so, that no question will be raised on this point, and that the rights of Shields as a citizen of the United States will be admitted by Chile before the arbitration tribunal.

I have now the assurance that I will receive the amount of the indemnity in the *Baltimore* case in a few days.

I have, etc.,

PATRICK EGAN.

Mr. McCreery to Mr. Foster.

No. 344.] LEGATION OF THE UNITED STATES,
Santiago, September 1, 1892. (Received October 22.)

SIR: I beg to refer to No. 331, dated 16th July ultimo, and accompanying inclosure from this legation and to forward herewith, inclosure No. 1, a translation of a note received from the minister of foreign relations, transmitting bill of exchange for the sum of $75,000 gold in payment of *Baltimore* indemnity, together with my acknowledgment of same addressed to the minister of foreign relations, inclosure No. 2.

I send herewith third of exchange of the before-mentioned bill, first and second received by Mr. Egan.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure 1 in No. 334—Translation.]

Señor Errazuriz to Mr. Egan.

DEPARTMENT OF FOREIGN RELATIONS,
Santiago, August 30, 1892.

SIR: Referring to the notes exchanged between your excellency and the undersigned, dated 13th and 16th July, ultimo, respectively, I have the pleasure to forward to your excellency herewith bill of exchange in triplicate form, made in favor of your excellency, for the sum of $75,000 American gold or the equivalent in pounds sterling, which bill will be met in Paris by the envoy extraordinary and minister plenipotentiary of the Republic near the governments of France and Great Britain.

I avail, etc.,

ISIDORO ERRAZURIZ.

[Inclosure 2 in No. 344.]

Mr. McCreery to Señor Errazuriz.

LEGATION OF THE UNITED STATES,
Santiago, September 1, 1892.

SIR: I have the honor to acknowledge receipt of the esteemed note of your excellency, dated 30th ultimo, addressed to the chief of this legation, referring to notes of 13th and 16th July last, exchanged between your excellency and this legation, and inclosing bill of exchange, in triplicate form, for the sum of $75,000 gold or the equivalent in pounds sterling, in favor of Mr. Patrick Egan, envoy extraordinary and minister plenipotentiary of the United States near the Government of your excellency, and directed to the envoy extraordinary and minister plenipotentiary of the Republic of Chile accredited to the governments of France and Great Britain.

Availing, etc.,

FENTON R. MCCREERY.

CHINA.

Mr. Denby to Mr. Blaine.

No. 1401.] LEGATION OF THE UNITED STATES,
Peking, October 10, 1891. (Received November 28.)

SIR: I have the honor to inform you that I consider it desirable that you should instruct me as to a question of extradition which has never been determined by the Department, and is not treated in the recent excellent work on extradition by Hon. John Bassett Moore. In section 109, page 140, volume I, and section 89, page 100, same volume, this author holds that the consuls in China have not the power of extradition from their territorial consular districts.

The question that I present is whether a consul can direct an absconding criminal, found on an American ship in a Chinese port, to be delivered up to a nation with which we have an extradition treaty.

It is familiar law that merchant vessels on the high seas are constructively regarded as a part of the territory of the nation to which they belong. (See section 104, page 135, volume I, of the book cited.) This principle, as between Great Britain and the United States, has been extended so as to make the flag the test of jurisdiction in the ports of eastern countries where extraterritoriality prevails.

In exceptional cases the judicial authority of consuls over persons serving on American vessels in China and Japan has been construed as authorizing consular officers to assume jurisdiction where offenses are committed on shore by foreigners serving on board American merchant vessels. See treaties, 1776–1887, p. 1284. If, then, an American ship lying in a Chinese port is thus to all intents and purposes held to be American territory, can a consul exercise the right of extradition as to a person aboard thereof where a proper case arises?

I fear that the answer may be that he can not, because no United States statute vests this power in him, and the regulations in force for the consular courts are silent on the subject. The difficulty would then have to be met by an act of Congress, or, if that be possible, by a new regulation decreed by the minister.

I respectfully call your attention to my dispatch, No. 906, of June 8, 1889, in which the identical case mentioned is reported. A convict escaped from the Manila penitentiary and embarked on an American ship bound for Amoy. As we have an extradition treaty with Spain, I directed the consul to surrender him to the Spanish authorities upon proper proof being made. The man escaped before arrest and nothing was done.

The Department simply acknowledged my dispatch and made no comment thereon. The recent riots in China and the smuggling of arms by a foreigner for insurrectionary purposes and rumors wide-spread that foreigners were about to seize the Foochow arsenal—which are without foundation—have directed my attention again to this question of extradition, among other questions touching the criminal jurisdiction of the consuls.

I would be glad if you would authoritatively settle the question now presented, as grave results might ensue from wrongful instructions to the consul by this legation.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1418.] LEGATION OF THE UNITED STATES,
Peking, November 10, 1891. (Received December 28.)

SIR: I have the honor to inclose herewith a copy of a letter recently received from Rev. Gilbert Reid, wherein he reports that the troubles at Chi-ning Chow have all been settled.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1418.]

Mr. Reid to Mr. Denby.

CHI-NAN FU, CHINA, *October 27, 1891.*

SIR: I beg leave to acknowledge the receipt of your letter of the 1st instant, and to thank you for again addressing the tsung li yamen concerning the difficulties at this place, and also those at Chi-ning-chow. It is now possible for me to favor your excellency with a report of the very satisfactory settlement of the missionary troubles of our Presbyterian mission at Chi-ning-chow. By the energetic action of the present Taotai at Chi-nan fu, to whom the governor of the province had referred all cases connected with foreigners, it was decided in the month of September that a special deputy, Chin-cheng Keng, should be sent to Chi-ning-chow to confer with the local officials at that place Pen yu sen, and to so mediate that a settlement might be reached without delay. About that time a new order was received from the tsung li yamen in response to a dispatch from your excellency. A second deputy of the rank of prefect was also appointed by the governor with special instructions to proceed to Chi-ning-chow and effect the immediate adjustment of both the American case and that of the German missionaries. As representing the interests of our own mission, and with the favor of a special order from the governor, I went in person to that city to consult with the local official and the two deputies as to the most wise and harmonious adjustment of the difficulties. By the strict orders which had been issued by the taotai at the capital, by the cautious and earnest efforts of the deputies, and the capacity, wisdom, and courage of the local official, I was able after a few friendly consultations to reach such a result as seemed for the interests of peace, as well as the safety of the mission. The official had already issued a clear and strong proclamation and had secured the support of the gentry in the guaranty of peace for the future. The official on his part made a small recompense in money of the things stolen during the riots, and the gentry of the city sent as a body a present to both Dr. Hunter and myself as an indication of their friendly interest. An exchange of calls was made between myself and the officials, gentry, and scholars. The local official received me each time with great respect and exerted himself to clear the minds of the people of all suspicions and hostility. Assistance was openly rendered in the purchase of a small piece of property, a proclamation was issued announcing the fact and enjoining the harmony of the neighbors and people, and a promise was made to protect in the future, suppress all disturbance and forbid all anonymous placards. If the previous official had shown the same justice or possessed the same ability, no riot last winter would have occurred, and no cause existed for appealing to your excellency and the Peking government. Several points were yielded by me owing to the great courtesy and friendliness manifested by the present official and to his assurances for the future. Prior to leaving the city I exerted myself in behalf of a satisfactory settlement of the Roman Catholic case, and am led to believe that the settlement of our case tended to the same result with them. It will be a pleasure to me if you will transmit to the State Department and the tsung li yamen the above facts, and to express to the latter body my personal thanks for the wisdom and energy displayed by the taotai at Chi-nan fu in devising

a scheme for satisfactory adjustment and for the fair and honorable action of the local official at Chi-ning-chow with the two special deputies. I also desire to tender to your excellency my hearty thanks for the aid that you yourself have rendered in behalf of our mission at Chi-ning-chow. I will add in a few days a separate report on the Chi-nan fu case, the settlement of which, at least so far as property is concerned, now seems possible.

Appreciating your efforts in behalf of American missionaries, I remain, etc.,

GILBERT REID.

Mr. Denby to Mr. Blaine.

No. 1420.] LEGATION OF THE UNITED STATES,
Peking, November 14, 1891. (Received December 28.)

SIR: I have the honor to inclose herewith a copy of my communication to the foreign office relating to the settlement of the difficulties in Chi-ning-chow.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1420.]

Mr. Denby to the tsung-li yamen.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I have the honor to inform you that I have received a letter from Rev. Gilbert Reid, wherein he reports that all the difficulties at Chi-ning-chow are settled. Mr. Reid speaks in very high terms of the taotai at Chi-nan fu for and of the local officials at Chi-ning-chow, and tenders to them his profound thanks for their wise and energetic action in arranging the troubles at Chi-ning-chow. I take this occasion also to thank your highness and your excellencies for your all-important aid in this matter and for the courtesy of your communication of 30th October last informing me that the case involving the purchase of land by Gilbert Reid at Chi-nan fu has been settled.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1434.] LEGATION OF THE UNITED STATES,
Peking, November 28, 1891. (Received January 8, 1892.)

SIR: I have the honor to inform you that serious riots have lately broken out in Mongolia. The 17th instant a band of five hundred rioters belonging to a society called the Tsai-li-ti, burnt several houses belonging to Christians, situated 30 li (10 miles) east of San-che-Kiatsen, and killed all the men, women, and children. Afterwards, at San-che-Kiatsen, the same band burnt the orphan asylum, the church, and the residence of the missionaries, and completely destroyed the village. More than three hundred persons were killed, among them a Chinese Catholic priest. From San-che-Kiatsen this band went to Pa Keon (Ping tchouan-tcheon), where it continued its devastations. The Christians and their children fled to the mountains, while the residence of the missionaries was completely destroyed. The military authorities, though requested, refused to interfere. The rioters marched towards Yin-men-tsen and Lao-hou-Keon, where are important Christian centers. The 19th instant this band went to Chao-ton-tze, where dwell forty Christian families. The 20th instant it burnt Niemen-tze, 65 li southwest of Pakeow, where reside eighty Christian families. The 21st

instant this band was at Pien-kiao. It burnt all the houses in these places. All the orphans in the asylum at Tang-tze-ho were burnt alive in the asylum.

A missionary living at Petze-Chan-ho was killed and also disfigured. The chiefs of the Tsai-li-ti belong to the province of Shantung. In addition to this information, which has been furnished by the minister of France, I have received from the consul at Tientsin information that an insurrection against the Government has broken out in Mongolia. He states that the rebels have advanced south to the Great Wall and hold all Mongolia east of Jeho to the sea and south to the Wall; that Government troops are being concentrated and a battle is imminent. The Viceroy Li has sent 6,000 troops to the seat of war. If the Government troops are defeated it is supposed that the rebels will march on Peking. The consul further informs me that it is reported at Tientsin that an American, an engineer, was killed at Jeho, also a Belgian priest. It seems likely that it was a Chinese and not a Belgian who was killed. The rebels are said to number 10,000 and to be well organized. My colleagues here put little faith in these reports from Tientsin, but believe that the uprising is local and is similar to many others that have taken place during the past twenty years, and that the Government will be able to suppress the insurrection. It is impossible to obtain any definite information as to this matter at Peking. The scenes of the various disorders are about 200 miles from this capital.

Since the above was written the consul at Tientsin has informed me that he has received official information of the troubles near Jeho, with the request that neither merchants nor missionaries travel in that direction until the rebellion has been put down. All the American missionaries have left Sun-hua and gone to Tientsin. At Sun-hua there is a large and flourishing Methodist mission, 100 miles east of Peking.

I am, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1437.] LEGATION OF THE UNITED STATES,
Peking, December 4, 1891. (Received January 8, 1892.)

SIR: Referring to my dispatch No. 1434, of November 28, giving an account of the insurrection in Mongolia, I have but little information to add thereto. An engagement between the imperial troops and the rebels is reported, in which the rebels lost 600 men killed and the Government only one man. But this report has not been verified and is not believed here. The Government does not seem to be alarmed at the situation, and makes light of it.

Nothing definite will be known until three weeks have elapsed The rebels are said to have designated a young Mongol prince as the new Emperor. The inscriptions on their banners proclaim death to foreigners and missionaries, and the overthrow of the existing dynasty. Should the rebels be successful in a general engagement it is thought that they would have great accessions of numbers, and would march on Peking. The condition of the foreigners at Peking would then be dangerous. The Methodist Episcopal mission here propose to send the school children away. I advised against the step as tending to increase the prevailing excitement, and being evidently premature. I requested the admiral to send a ship to Tientsin. He has ordered

the *Palos* thither, but it is doubtful whether she can get there on account of ice. It is reported that a Japanese man-of-war had to stop at Taku. The existing insurrection has tended to unite more closely the foreigners and the rulers of China. While China has not done its full duty in the way of affording protection to foreigners, still there is reason to entertain a better founded hope of securing protection from the Government than from the secret societies and armed insurrectionists whose watchwords are the destruction of native Christians and foreigners, as well as the overthrow of the existing dynasty. Besides, in spite of sensational newspaper reports to the contrary, no foreign representative here ever thought of advising that war be made on China. The only object of our joint appeal to our various governments was to bring to bear on China a concerted influence which might determine her to adopt more stringent measures to prevent riots. I have no doubt that this action on the part of the foreign representatives did have a powerful effect.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1438.] LEGATION OF THE UNITED STATES,
Peking, December 5, 1891. (Received January 26, 1892.)

SIR: I have the honor to inclose herewith a cutting from the North China Daily News of the 28th ultimo, wherein a full account of the recent happy settlement of the Chinanfu troubles is given.

Mr. Reid has not officially reported this settlement to me, but, from anterior information received from him, I have no doubt the inclosure truly recites the facts.

The contest between the missionaries and the officials has been long and severe. The missionaries have demonstrated pluck and endurance and will receive my congratulations.

Both on your account and on account of this legation I fervently hope that the Chinanfu missionaries will not get into any more trouble.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1438.]

Clipping from the North China Daily News, November 28, 1891.

We have now to report the settlement of the long-standing and wearisome contest of the American Presbyterian mission in securing property in the city limits. The last phase of the contest has been in connection with a piece of land leased for thirty years in the east suburb in February last. Some time since we mentioned that the new Taotai had requested of the missionaries that an exchange be allowed if an equally suitable piece be found. This request was acceded to by the missionaries. Some three weeks since, a small plot of low swamp land was offered in the northeast suburb, which of course was deemed unsuitable. Several interviews were held between Mr. Reid and the officials, and at last, on the 31st of October, an agreement was orally made at the Taotai's yamên between Mr. Reid on the one side, and the Taotai, prefect, magistrate, two special deputies of foreign affairs, and two of the leading gentry of the city. By a promise that no high-storied building be erected, and no ditch dug out, to destroy the geomantic influence, the land was decided to peaceably revert to the mission. Since then the mission and the gentry have alike reported by letter or petition to the magistrate, whereby the case could be closed and building begun. The thirty years' lease has been changed to a perpetual lease,

and presented to the magistrate for official seal. Arrangements have been made to build this autumn a wall and a few buildings, but on account of the military examination and other reasons there is a delay of a few days. It is intended to prevent all trouble, and so a little more leisure is being extended to the officials to make their final plans of protection.

The first effort at securing property in the suburbs goes back a period of eight years, but as associated with the present case some six years. The opposition started by the gentry was in May, 1887, and has lasted ever since in different ways. Two riots have occurred (besides one against an English missionary), and three others threatened. And yet amid all this opposition the missionaries have made advancement even in the tangible matter of property. And property leased in the east suburb and concerning which the gentry stirred opposition, has been held, and the sanction given to purchase if so desired. A piece of land has been purchased in the country, and a house leased for ten years in the city. And property taken by perpetual lease in the southeast suburb has been given up and money taken back, while with this money a new piece has just been secured under perpetual lease in the east suburb. Also six different houses and one shop have during the period been peaceably rented by the different missions. The result just reached has not been by stirring up bad blood; but with the prospect of harmony and good will, by steadily holding on, and by watching the changeable circumstances, success has come. The United States minister has kept patiently interceding for the missionaries—the last order being issued only a few weeks since—and to him a large amount of gratitude is due from the missionaries.

We have just heard that the Roman Catholics have purchased a house in the city limits at Chiningchow, and so their case can be regarded as all settled.

Thus, while troubles are occurring in the south, peace and favor are descending on foreigners and missionaries in the north, even in so-called hostile Shantung. The new era is largely due to the energy and capacity of the new Taotai at this place, Chang Shang-ta, a Honan man. All these cases settled have been under his supervision and by his mediation. When he assumed office in August he determined to settle up every case in his jurisdiction, or which should be submitted to him, and for now successfully settling the two cases at Chiningchow, American Presbyterian and German Catholic, and the one case here, he deserves promotion at an early date. There remains the case at Yenchow Fu, under another Taotai.

NOVEMBER 9.

Mr. Blaine to Mr. Denby.

No. 680.] DEPARTMENT OF STATE,
Washington, December 7, 1891.

SIR: Your dispatch No. 1401, of the 10th of last October, has been received. It presents the question whether a consul can deliver up a fugitive from justice, found on board an American ship in an open treaty port in China, to the justice of a state with which the United States have a treaty of extradition, the offense charged being comprised in such treaty.

No specific case is presented for consideration and instruction. Your inquiry appears to be made out of abundant caution, in view of the present perturbed condition of China and the possibility of the smuggling of arms by a foreigner for insurrectionary purposes, joined to unfounded rumors that foreigners were about to seize the the Foo-Chow arsenal.

You, however, refer to a previous case, involving the principle covered by your inquiry, which was reported in your dispatch No. 906, of June 8, 1889, and which appears to have passed unnoticed by the Department.

In that case a Spanish subject, a convict in the prison at Manila, escaped and took refuge on an American ship, the *Rio*, bound for Amoy. On reaching that port the Spanish consul seems to have called upon the United States consul to deliver up the fugitive, which our consul declined to do without instructions from you. Thereupon the Spanish

chargé d'affaires made a requisition upon you for an order to surrender the man. You directed the consul to surrender the fugitive "on proof of his identity under the extradition treaty with Spain." Your decision was in part influenced by a passage found in Wharton's International Law Digest (section 271*a*, p. 804, vol. 2), wherein the principle is laid down that if "a person on board the foreign ship should be charged with a crime for the commission of which he would be liable to be given up, pursuant to an extradition treaty, the commander of the vessel may give him up if such proof of the charge should be produced as the treaty may require."

I can not, however, infer from the circumstances of the case which called forth this expression of the views of the Department, that it was the intention of Mr. Fish to declare the commander of the vessel competent to execute a treaty of extradition by surrendering, under its provisions, a person demanded on an extraditable charge. The context shows that the case in question arose on board a vessel of war, and that the refusal of her commander to surrender a fugitive charged with theft was approved, on the ground that the powers of the commander include discretion as to whom he may admit on board, even to the extent of refusing to recognize an application to give up a man on board who may have committed an offence on shore. The case, therefore, really resolved itself into a question of internal discipline on a vessel of war, a matter within the commander's control, and not of compliance with a foreign demand of extradition. Had the Amoy incident which you reported occurred in respect to a national war ship, it is clear that her commander would have had discretionary power to refuse to receive the fugitive at Manila, or, in the event of his being found on board without consent, to set him ashore or give him up to any local authorities at Manila or Amoy or anywhere, just as in the case of any other stowaway. A decision under his discretionary power as commander, would doubtless be aided by satisfactory proof that the fugitive was amenable to justice; but the commander would not necessarily be deemed competent to perform the judicial functions of a commissioner in extradition, or to fulfill the requirements of the treaty as to the form and mode of surrender. The treaty serves him merely as a convenient guide, by analogy, not as a precept. A naval commander can not execute the extradition treaty under the laws of the United States or in conformity with its express stipulations. No order of his, for instance, would legally take the place of the warrant of surrender, which can only be issued by the Secretary of State after due fulfilment of the precedent judicial requirements.

The same course of reasoning applies to the powers of the United States minister to grant extradition in such a case. He has no such power, by statute or treaty. Neither has a consul. As you have observed "no United States statute vests this power in him." To vest the judicial power of granting extradition in a minister or consul in European or other countries of sovereign territorial jurisdiction, would need the special agreement of treaties to that end. You may recall the recent incident of the killing of Gen. Barrundia on board an American steamer in the port of Guatemala when he, a fugitive, resisted arrest at the hands of Guatemalan officers armed with an order of surrender addressed by the minister to the captain of the vessel. Apart from the question of political asylum there involved, the action of Minister Mizner was disavowed because of his having so far exceeded his legitimate authority as to sign the paper which, in the hands of the officers of Guatemala, became their warrant for the capture of General Barrundia.

There is not only no basis for the introduction of the doctrine of conventional extradition in this class of cases, but its assumption in practice might prove inconvenient and unsound, even in countries like China, where diplomatic and consular officers are clothed with extraterritorial judicial powers. It would evidently introduce a complication into the now settled question of national jurisdiction if a foreign member of the ship's company could be demanded in extradition by the representative of the state of which he is a citizen or subject, while in the case of a passenger or fugitive on board the ship, the operation of such an arrangement could not fail to be accidental and irregular

So far as the hypothetical questions presented by you relate to persons on board an American merchant vessel in a Chinese port who are not officers or seamen of the ship, it is not seen why any nonpolitical case arising may not be readily disposed of, either under the usual authority of the responsible master or under the ordinary jurisdictional procedure of the consular courts, without resorting to the fiction of compliance with a treaty of extradition. It is not practicable for this Department to define the discretionary powers of the captain of a merchant vessel in respect to receiving on board persons not of his ship's company, but the power of the consul to bring before him, by a warrant of arrest on due complaint, any person on board a national vessel in port, is hardly open to dispute. With the accused before him, the consul proceeds to determine whether the case is lawfully within the jurisdiction of his court. It not infrequently happens that a consul, sitting as an extraterritorial judge, finds that he has not cognizance of the case, and turns the accused over to the court of competent jurisdiction. By these regular judicial proceedings in respect to common criminal charges, and perhaps in other equally normal ways, the contingencies you apprehend can probably be met.

I conclude, therefore, that in dealing with the cases you suggest it is desirable to eliminate the idea of formal conventional extradition.

A copy of the Barrundia correspondence is inclosed for your perusal. You will doubtless find therein other considerations applicable to the point in hand.

I am, etc.,

JAMES G. BLAINE.

Mr. Denby to Mr. Blaine.

No. 1441.] LEGATION OF THE UNITED STATES,
Peking, December 8, 1891. (Received January 26, 1892.)

SIR: I have the honor to inclose a translation of an imperial decree which appeared in the Peking Gazette yesterday. This decree recites that the rebels in Mongolia have been several times routed by the imperial troops, their leaders have been killed or captured, and the insurrection is practically finished.

The information furnished is generally credited at Peking and has been received with much satisfaction by the foreign community.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1441.—Translation.]

Imperial decree.

We some time ago received from Te Fu a memorial with reference to the rebels at Jeho and Chao-yang. At that time Li Hung-chang, Ting-an, and Yu-lu were ordered to dispatch troops thither by different routes and suppress the uprising.

Later we received a memorial from Yeh Chih-ch'ao, lieutenant-general of Chihli, stating that at Chien-chang, Hsien, San-shih-chia-tzu, and other places victories had been gained over the rebels.

Now memorials are simultaneously presented from Ting-an, Yu-lu, and Li Hung-chang reporting the overthrow of the adherents of the prohibited sects and giving the details of repeated victories over them. Of these memorials we have taken careful notice.

During the 10th moon, from the 20th to the 27th day (November 21–28) the brigade generals, Nieh Kuei lin and Keng Teng-ming, ordered over from Manchuria gained repeated battles within the limits of Chao-yang Hsien. They captured alive Kuo Wan-chang, the leader of the rebels, and many others. They also captured alive another leader called Yang Ming and killed Tu Pa-shih, a leader of a sect. More than a thousand of the bandits were put to flight and all who remained were defeated and scattered.

Chang Yung-ching, brigade general, and others have now been sent to Chang-wu, Yai Men and that vicinity to coöperate in the conquest of those localities. The companies of troops sent on by Yeh Chih-chao defeated the adherents of the prohibited sects on the 27th of last month (November 28) at Wu-kuan-ying in the jurisdiction of Chien-chang Hsien. They put to death the great leaders Fu-Lien-hsin and Peng Tai-ho. They also killed many of the Taoist renegades, who wore strange garments and recited spells. The ground was strewn with the corpses of the rebels slain. Countless arms and horses were taken.

The neighborhood of Ping-chien is now free from rebels and the work of conquest is being carried on step by step from Chien-chang to Chao-yang. Companies of cavalry have been dispatched from the district under Prince Ka-la-chin to surround and defeat the rebels to the northwest.

The measures taken have been most satisfactory. The bodies of troops sent on this occasion from Manchuria and Chihli have advanced with the utmost rivalry. In every fight they have gained a victory. They deserve great praise.

Orders must be given to Li Hung-chang, Ting-an, and Yu-lu to command the officers and troops to avail of this opportunity to inspire terror amongst the rebels and with combined strength to proceed with the work of suppression. Let them hasten to destroy the rebels now occupying Chao-yang, and allow none to remain, and thus restore peace to the country.

Sixth day, 11th month, 17th Kuang Hsu (December 6, 1891).

Mr. Denby to Mr. Blaine.

No. 1448.] LEGATION OF THE UNITED STATES,
Peking, December 22, 1891. (Received February 8, 1892.)

SIR: The insurrection in the northern part of this province, which once threatened to assume alarming proportions, has been so far overcome as to render certain its ultimate complete repression.

As to the progress of this movement, the official reports in the Peking Gazette, unreliable as such reports are, have so far been our only sources of information. Of the true causes of the uprising almost nothing can be known. The rumors which have succeeded one another in Peking are most contradictory. At one time it was reported that the rebellion had originated in the action of a young man of an influential family whose father had been unjustly executed. Later it was reported that a Mongol noble had carried off the daughter of a Chinese settler. A mob was organized for her recovery; some members of the mob were imprisoned, and the rebellion began with an armed attack upon the Yamen for their release.

Antagonism to Christianity probably did not figure to any great extent in the movement. Many hundreds of native Catholics have doubtless been killed, but this is to be accounted for by the fact that in wide areas north of the Great Wall, converts to the Catholic church comprise almost the total population. It is certain that when once under way, the uprising took the form of a revolt against the reigning dynasty. The leader of the movement called himself "Mieh Ch'ing Wang," which may be translated "Prince overthrower of the Chings." Ching being the dynastic title of the present Emperor. The rebel troops carried flags on which were displayed a painted or embroidered cock, in allusion to a saying for many years current amongst the people: "Fear not the tiger which comes from the south, but fear the chicken which comes from the north." The power of proverbs is very great among the populace in China, and the rebels doubtless hoped to enlist under their banners many believers in the destiny of this dynasty to be overthrown by a northern enemy.

The past history of China affords many instances of the fulfillment of such prophetic sayings. It was said of Shih Hwang-ti, the builder of the Great Wall and one of China's greatest emperors, that his empire would be endangered by *Hu*. He accordingly devoted all his energies to the conquest of the barbarous tribes on his northern frontier, who were known as the *Hu*, but the prophecy was unexpectedly accomplished when he was assassinated by his own son and successor, Hu Hai.

It is probable that the present rebellion is only an exaggerated instance of the depredations of organized bands of robbers, such as occur every year north of the Great Wall on a smaller scale. One peculiar feature this year is the presence among the rebels of many Taoist priests, who are supposed to be able with magic spells to protect their followers from the bullets of the enemy.

The locality to which the operations of the rebels have thus far been confined is that part of the province of Chihli northeast of Peking, beyond the Great Wall, adjoining the Palisades which mark the Manchurian frontier. The reports in the Gazette, however, indicate a fear of further disturbance near Urga, the capital of Mongolia, and also near the Amur River in Manchuria. Should the insurgents be able to reach Urga and involve the Mongol tribes in their movements, the matter would become much graver than it has been. The vigorous action of the imperial troops, however, renders this improbable.

As to the loss of life, nothing definite can be known. Twelve hundred Catholics are said to have been killed by the insurgents and great atrocities committed against them. The lists of killed and captured of the enemy in the Gazette will not exceed three thousand, while the losses to the Government troops are represented as less than one hundred. The people, as is usual in China, have suffered from both sides. For some time it was impossible to hire carters or muleteers to go out of Peking, as the Government troops were ruthlessly impressing all vehicles to transport materials of war.

This uprising has never occasioned the uneasiness among the foreign residents of Peking which certain telegrams sent abroad might lead one to imagine. The missionaries at Tsun-hua were much nearer the scene of the disturbance and in much greater danger. Upon the orders of the local authorities they were compelled to abandon their mission and take refuge in Tien-Tsin. As to Peking there was scarcely any evidence of the hostilities going on just beyond the northern passes, and no apprehension as to personal safety was at any time felt.

Translations of some of the notices of the progress of the war, which have appeared in the Gazette up this date, are inclosed herewith. These inclosures and that in my dispatch No. 1441 of the 8th instant constitute the only official information to be obtained on the subject.

I have, etc.,

CHARLES DENBY.

[Inclosure 1, on No. 1448.—Translation.]

Memorial from Peking Gazette, December 11, 1891.

Your servants, Ting-an * and Yü-lu,† kneeling, memorialize the throne, giving details of the movements of troops toward Chao-yang Hsien, for the suppression of the rebellion there, and of the battles fought, as well as of the reënforcements of horse and foot soldiers which have been sent on.

Upon their reverent memorial they pray the sacred glance.

Your servants have already stated in a memorial that, when they received information of the rebellious disturbances at Jeho and Chao-yang Hsien, they consulted together as to forwarding troops for the defense of these localities.

On the 22d November, your servant Yü-lu received by telegram an imperial decree ordering a memorial to be presented on the actual state of affairs. On the 26th he received another decree ordering that copies of the said decree be reverently made and forwarded to Teng-sheng-a and others in command of troops, directing them with earnest efforts and united strength to assist in putting down the rebels. This is all a matter of record.

On the 25th November, your servants received from Nieh-Kuei-ling, recorded for the rank of general, a telegram announcing that he had information that the rebels had had an engagement with the braves at Chao-yang Hsien on the 20th. That at once the several divisions of the army were led forward with the utmost speed to entrap them. From first to last two hundred or more rebels were killed and a score or so taken alive. The mass of them fled. On the 21st they were pursued to Tao-hua-ti, 20 miles east of Chao-yang-Hsien, and attacked with the utmost vigor, fifty being killed. In this engagement Chang Wan-lu, a military mandarin of the 6th grade, lost his life and corporal Wang Fu-huei sustained serious wounds. The rebels fled under cover of the darkness.

On the 22d, the troops continued the pursuit. The rebels, to the number of upwards of two thousand, had the boldness to offer resistance in order of battle. Nieh Kuei-lin directed Yen Wen-kuei, who was coöperating with him and Yang Chin-shan, a subordinate officer, to advance with all their cavalry and attack the enemy from the east. Officers Chang Yu-liang, Chou Ting-shun, and Cha-lan-shulin, with the horsemen of the Chiehsheng battalion at Chin Chou, were to attack from the west. Yang Yung-an, Chang Kuei-yuan, in command of the infantry of the central and rear battalions, and Wu Chao-hsiang and Li Tien-shou, were ordered to attack along the central road. At 8 o'clock the engagement began and continued during eight hours. Our troops assaulted the enemy with great vigor. At 2 p. m. the rebels were exhausted and completely routed; they fled in confusion. They were pursued more than 10 miles and upward of seven hundred slain, thirty prisoners being taken. Two hundred guns and other weapons and twenty big and little "cross" flags were captured. After our troops were recalled from the pursuit, examination showed that seven soldiers had been wounded. The rebels fled northwards, the darkness preventing further chase. The troops have now, however, marched with great speed to His-kuan-ying-tzu, northwest of the city of Chao-yang Hsien, in pursuit.

On the 24th, 25th, and 26th November we received telegrams from Heng-teng-ming, having the recorded rank of general, stating that early in the morning of the 24th he led his troops to Lao-ya-kou, 20 miles from Ching-ho-men, which is within the borders of the district of Chao-yang, where he met a detached company of rebels numbering about three hundred. He at once attacked them with his troops, killing forty and taking Kuo-Wan-chang and twenty-eight others prisoners. More than one hundred people were burned to death and many weapons captured. The rebels fled to Ta-miao, San-chia-tzu, Chu-lo-ho-tai, and other places. On the 25th they were pursued to the last-named place, where they had assembled to the number of about one thousand four hundred men. They were all provided with weapons and offered resistance. The general led on his troops in divisions and fought the rebels from 8

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*Military commissioner for Manchurian provinces.

†Military governor of Sheng Ching.

o'clock in the morning until 4 in the afternoon. The rebels suffered a great defeat, losing several hundred dead. Those who remained fought their way to the mountains and escaped. Their tracks are being followed and they are attacked wherever information leads to their discovery.

I-shou, military commandant of I-chou, and Chen Jung-chang, magistrate of the same place, report on the 28th that they were informed that there were rebels escaping beyond the borders to the east; that on the 20th they had dispatched Sergeant Chang Chi-te and Ko-shing-o, an officer of the Chieh Sheng battalion, at the head of their soldiers, to follow along the boundary and hunt them out and seize them. On arriving at Shui-chuan-tun they suddenly encountered seventy or eighty rebels, with whom were a large number of women who, weapons in hand, came on like ants. The officers, deploying their forces, advanced to the attack. The rebels seemed to be afraid and retreated into an inclosure. The sergeant and officers forced their way in, when Chang Chi-te was wounded on both hands and Ko-shing-o was severely cut on the left hand. They continued, nevertheless, to lead their forces in the fight. On this occasion two rebels were killed, one man and one woman. Tu Pa-shih, a leader of a sect, was also put to death, together with seven male and two female rebels. Yang-ming, their leader, seizing an opportunity, fled, but was afterwards taken with some other prisoners.

On the 28th November Capt. I-sang telegraphed that he had, on the 26th, at the Great Temple in the district of Cho-yang, encountered the rebels, of whom he killed seventy or eighty and took twenty prisoners.

All the troops dispatched to Chao-yang have exhibited the utmost bravery and their conduct has been most satisfactory. It is learned, however, that rebels of the above character exist in numerous bands at Chao-yang, Chian-ping, and San-chou Hsien. They are found in all places lending assistance to one another. Accordingly your servant Yu-lu dispatched, on the 25th November, Col. Cheng Nan-sen, of Shantung, with all his foot soldiers, to Chao-yang to lend assistance when occasion offers. He has been instructed to order the several bodies of troops to keep one another informed and to support one another in their measures. They are in no wise to relax their diligence.

It is reported that northwards near Hsin-li-tun and Ho-la-tao-li-kai, beyond the borders, there were also bands of rebels burning, killing, and robbing. These places all adjoin Manchuria, and it is to be seriously apprehended that they will make their way thither and create an uprising. In the vicinity of Kang-ping, moreover, there are roads leading in all directions. The country is open and spacious. Your servants, therefore, on the 23d November, decided to send thither Yen-Chang Yung-ching with his infantry forces, and to order the horse and foot soldiers now at the eastern border to proceed to Chang-wu-tai-men, Hsin-li-tun, and the vicinity of Urga, for the protection of those localities. Two battalions of Manchu troops and the white-bordered banner of cavalry from the Chieh Gheng army are attached to the forces of Brigadier Kuo-chuan, and ordered to proceed to Fa-ku-men, Kang-ping Hsien, Lias-hai-tun and the country of the Korchin Mongols, to unite in guarding these places and as a reinforcement for the troops.

Teng-sheng-a has been instructed to take seasonable measures for putting down the rebellion. Should we receive any further information, a further memorial will be submitted.

This memorial is reverently submitted, etc.

[Inclosure 2 in No. 1448.—Translation.]

Imperial decree, December 12, 1891.

Yeh Chi-chao* and others have presented a memorial giving the particulars of victories gained over the bands of rebels by the imperial troops in their attack upon them at Yu-shu-lin and other places.

As the territory of the Ka-la-chin and other Mongol banners had suffered from rebellious disturbances, an imperial decree ordered Yeh Chi-chao to dispatch troops for their defense. The said provincial commander-in-chief thereupon ordered Col. Pan Wang-tsai to advance from Wu-hu-maliang and, step by step, to overcome the rebels. On the 29th day of the 10th moon (30th November) he arrived at Yu-shu-lin and engaged them in battle. More than two thousand rebels blocked up the entrances to the streets and offered a determined resistance. Capt. Chiang Kuang-tung and other officers, leading on their brave soldiers in several divisions, attacked them on all sides. The battle raged during a space of four hours and the rebels

*Commander-in-chief of Chihli.

were entirely defeated. Many horses and arms were taken. The rebels in the vicinity, hearing of the engagement, came to their comrades' assistance. They were met by detached companies of troops and overcome. In these engagements several leaders clad in yellow garments were killed, and more than one hundred rebels, both mounted and on foot, fell. The usurping prince, Chi Yao-shih, and the pretended general, Hou Sun-hui, and three others, were all put to death.

Afterwards the troops advanced to the defeat of the rebels living at Hsi chiao-tou and at Yeh-po-shou and vicinity, eastward of Chien-chang. Here were gathered together for purposes of murder and robbery Liao-huai and other leaders, in command of more than a thousand men. On the 3d December Lieut. Gen. Nieh Shih-cheng led troops to their destruction. Lieut. Col. Yeh Yu-piao and other officers attacked the rebels on the right and left and put to death Liao-huai and four hundred of his followers, and took many guns, cannon, carts, horses, flags, and drums. The rebel horde fled in confusion.

Nieh Shih-cheng has now led his various companies with great rapidity to the vicinity of Hei-shui for the overthrow of another band of rebels, and the important highways near Ping-chuan and Chien-chang are now open to traffic. Orders have been issued to Yeh Chi-chao to command the officers and soldiers to avail of this favorable occasion to advance and with united efforts to overcome the rebellion. It is imperative to wipe out every company of rebels of the several Mongol banners and to allow none to escape, in order to restore order to these outlying regions and peace to the country.

Respect this.

Mr. Denby to Mr. Blaine.

No. 1449.] LEGATION OF THE UNITED STATES,
Peking, December 28, 1891. (Received February 24, 1892.)

SIR: It may be of some interest to you as indicative of progress in China to know that the Emperor has commenced the study of the English language. Two students of the Tung-wen college are his teachers. They attend him every morning at 1 o'clock. For several days they were required to kneel in his presence, but latterly they have been permitted to stand while giving him his lesson. It is said that he has a remarkable memory and is learning fast. This addition to his ordinary labors shows that he is possessed of considerable firmness and determination. I suppose that he does more work than any other sovereign in the world. His day commences at 12 p. m. He first sees the members of his privy council; then he devotes an hour to the study of the Manchurian language; then he studies English; then receives one or more members of the various boards, and then the governors, viceroys, and other officials who have come to Peking to be presented and for instructions.

Whenever any of the numerous boards has anything to communicate to the Emperor, two of their number go to the palace at 2 a. m. They wait sometimes two hours before one of them is ordered to the imperial presence. The Emperor receives them alone. He is seated on a raised platform; they are on their knees. It is said that the ministers who thus attend the Emperor take some pains to pad their knees with cushions. The Manchurian teacher of the Emperor is Prince Ching, the head of the Tsungli-yamên. He goes to the palace every day at 12 o'clock p. m., and remains there until 4 a. m. It is said that he is consulted by the Emperor on all the questions that come before him. After the receptions are over the Emperor rides on horseback and practices shooting with the bow and arrow. These exercises are *de rigueur;* they are prescribed and can not be avoided. A given period of time is allotted to them by ancient custom which amounts to law. The Em-

peror retires about 2 p. m. His journeyings to the various temples where he officiates are always made in the early morning. The diet of the Emperor is rigorously prescribed. It is supposed that he takes his meals alone. Should he desire to partake of any article not on the menu, the board having charge of the imperial table must be consulted before he is supplied. A son of Prince Ching is also studying English under a competent teacher. It is a matter of regret to foreigners that the Emperor is not physically strong, and that there is danger that he will not be long-lived. It is believed that he favors progress.

I trust that these details will not be considered as too undignified for transmission.

I have etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1451.] LEGATION OF THE UNITED STATES,
Peking, December 31, 1891. (Received March 10, 1892.)

SIR: I have the honor to inclose herewith a translation of a communication which has been circulated by the minister of the French Republic. It relates to the late massacres of native Christians in Mongolia, and sets forth extracts from a proclamation issued by the general commanding the imperial troops, who excuses these massacres. In accordance with your late telegram, wherein I was directed to sign no more joint dispatches until I had received further instructions, I declined to sign such a paper. The diplomatic body thereupon delegated Mr. von Brandt to make verbal representations to the foreign office deprecating such proclamations as the one referred to.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1451.—Translation.]

Circular letter of the French minister.

PEKING, *December 26, 1891.*

DEAR COLLEAGUE: I have the honor to address to you herewith the copy of a translation of a proclamation which has been published at Dakeon, a locality situated in the part of Eastern Mongolia which is attached administratively to the province of Pe-tcheh-li, and in which took place last month the massacre of many native Christians, the destruction and pillage of their houses, churches, orphan asylums, and other missionary establishments. You will see that the Gen. Yé, who is charged with the repression of the troubles has found nothing better to explain the conduct of the local mandarins, who before his arrival in the country had allowed the Christians to be massacred without any intervention whatever, than to admit that the crimes of the bandits called Tsai-li-ti were, up to a certain point, excusable. "These malefactors," he says, in an order addressed to the prefect of Ping-tchuan-tcheon, author of the proclamation, "declare that they wish to cause to disappear Catholic missions in order to satisfy their revenge. Already they have burned and destroyed, one after another, the missions of this prefecture (Pakeon) and some of San-chekia-tze. It has been found out in these places that the religious establishments in question contained in their cellars innumerable bodies of children. There were also discovered twenty or thirty young girls who have been retaken by their families. They did not ravage the localities. One sees sufficiently in these facts the manifest proof that the bandits had contracted a profound hatred of the missions and hastened to avenge themselves. Since on this occasion the religious establish-

ments have been burned and there have been discovered bones of the dead bodies of children, the sentiment of hatred which has been manifested was not without motive." It is not without interest to compare this passage with the one which immediately precedes it. "They, the bandits, now betake themselves in the country to pillage and incendiarism, and strike many of the people. These are veritable crimes." It is not necessary to press upon you, my dear colleague, the necessity to call attention of the foreign office to this odious conduct of the general of division, Ye, and to point out the new dangers which will arise to the missions—that the general was sent to protect—from these false allegations. They seem to be intended to excuse in advance all the crimes that may be committed against Christianity. I think that under the circumstances our colleagues would be willing to join in a collective letter to the foreign office showing the consequences that may follow such conduct and demanding redress.

G. LEMAIRE.

Mr. Denby to Mr. Blaine.

No. 1453.] LEGATION OF THE UNITED STATES,
Peking, January 5, 1892. (Received February 24.)

SIR: The Peking Gazette continues to publish memorials from the generals engaged in suppressing the rebellion in Mongolia, reporting the unvarying success of the imperial forces.

The miserable peasant rebels, armed with Chinese flint locks, are no match for Viceroy Li's foreign-drilled troops, equipped with the best modern long-range rifles. In every encounter they are defeated with immense loss of life, while the Government troops count their casualties by several killed and wounded only. It is estimated that of the insurgents nearly 20,000 have so far fallen. The prisoners taken, who number very few as compared with the slain, are put to death as soon as their voluntary connection with the uprising is ascertained, without the formality of a reference to the throne. In every stronghold captured there are, however, found many innocent people, coerced or overawed into joining the rebellion against their will. These are at once set at liberty or sent under escort to their homes.

Whatever possibility of coöperation may have at first existed among the insurgent forces has now been destroyed. They have been widely dispersed by repeated defeats and are now found in scattered parties of a few hundred each, intrenched in rudely fortified villages or hidden away in the mountains. These are being one by one hunted down and the final complete suppression of the rebellion can not be long delayed.

I am, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1454.] LEGATION OF THE UNITED STATES,
Peking, January 11, 1892. (Received March 10.)

SIR: In my dispatch No. 1451, of December 31, I transmitted a translation of a circular relating to a proclamation which had been issued by the magistrate of Ting Chuan Chow, wherein the atrocities committed by bandits against the native Christians had been excused and palliated. The matter having been brought to the attention of the foreign office by the dean of the diplomatic body, the ministers declared that orders had been sent to Li Hung Chang to institute an inquiry into the

behavior of the magistrate in question, who, besides issuing this proclamation, had been guilty of several other omissions of duty; that Li Hung Chang's answer had not been received, but it would be communicated to the dean as soon as it came; that the proclamation had been already withdrawn some time ago, and that the general was less to blame, as he had no personal knowledge of the state of affairs and had only represented the information received from the civil authorities.

I have the honor, etc.,

CHARLES DENBY.

Mr. Blaine to Mr. Denby.

No. 697.] DEPARTMENT OF STATE,
Washington, January 29, 1892.

SIR: The Department is highly gratified to learn by your No. 1441, of 8th ultimo, of the practical suppression of the rebellion in Mongolia.

You will take occasion to communicate to the Yamen such expression as you may deem proper of the satisfaction which this intelligence has afforded to the Government and people of the United States.

I am, etc.,

JAMES G. BLAINE.

Mr. Denby to Mr. Blaine.

No. 1463.] LEGATION OF THE UNITED STATES,
Peking, January 30, 1892. (Received March 21.)

SIR: This legation has written so much touching events as they transpired in China that an extended notice thereof would seem to be unnecessary. Nevertheless, I have the honor to forward the following slight review of the important events of the year.

The audience which the Emperor of his own will and unsolicited granted to the foreign representatives on the 6th day of last March was the most important event in the early part of this year. It was supposed that this audience would have great weight with the people, would show that China had at last realized that foreign powers were its equals, and that good will to foreigners on the part of the people would result therefrom.

It is apparent that this event has had no material effect in removing from the minds of the populace their deep-seated hostility to foreigners. This year has been signalized by more antagonism to foreigners and native Christians than any other period.

May 14 the first outbreak occurred at Urehu. The foreign customs staff bravely defended the settlement and no loss of life occurred, but all the foreign women and children fled from the city. This trouble, without much doubt, was caused by the machinations of the Ko-lao-Hui secret society.

Riots followed at Nanking Wuchow, Tanyang, See Kow-hsien, Kiukiang, Woosieh, Wechen, Taku-tang, and other minor places, and finally at Ichang.

No American was injured during the riots, nor was any American property destroyed, except at Nanking and Ichang.

During the progress of these riots the foreign representatives were urgently demanding stringent protective and punitory measures. By their influence an imperial proclamation, which is a notable paper, was issued the 14th day of June. This proclamation was slowly circulated by the imperial government. I took measures to have it sent to every American mission immediately.

The action of the naval authorities, who had issued stringent orders to the warships on this station, more than any other cause, resulted in staying the progress of the riots. The viceroy, Chang Chih-tung, was notified by a British commander that if a riot occurred at Hankow or Wuchang he would fire on the rioters. No riots occurred in those cities.

In the month of September the foreign office was notified by the foreign representatives that the matters at issue would be referred by them to their respective governments. In accordance therewith a joint paper was prepared and signed and sent to the foreign powers which are represented at Peking. It was therein recommended that foreign men-of-war should be stationed at the ports on the Yangtze and at Shanghai and Canton, and that China should be made liable to pay their expenses. (See my dispatch, No. 1389, of 17th September, 1891.)

Thereafter, until the recent riots in Mongolia, there was no destruction of any importance in China.

In the month of November, bands of brigands in eastern Mongolia attacked several villages inhabited by native Christians, and killed four hundred people, and burnt and destroyed all property belonging to the Christians. The movement grew into an insurrection against the Government, and assumed large proportions. Imperial troops were sent against the rebels; about twenty thousand people were killed. The rebellion is now over; the rebels have either been killed in battle, or decapitated after capture.

During this year Chungking was opened to foreign trade. The new Russian Minister, Count Cassini, and the French Minister, Mr. G. Lemaire, arrived at Peking in November. They applied for audience by the Emperor. Their application was granted and a hall, called the Cheng Kuang-tien, was designated as the place of reception. This hall is located in the grounds adjoining the palace ordinarily occupied by the Emperor, but not in what is generally known as the "prohibited city." These gentlemen declined to attend at this hall, and demanded that they should be received in one of the imperial palaces which are ordinarily occupied by the Emperor. Their demand was refused and they persisted in declining an audience.

This question will come before the foreign representatives next month, who will be called on to decide whether they will make the Emperor a New Year's call in the hall mentioned. The Cheng Kuang-tien is the same hall in which Baron Bisgeleben, Minister of Austria-Hungary, was received.

It is supposed that obscene placards and pamphlets have been exciting causes to riots. Persistent efforts have been made by the foreign representatives to prevent the circulation of these publications, but hitherto without any great result.

Influenza has prevailed to an alarming extent in China, and many foreigners have suffered thereby.

Business has not been as prosperous as in some former years.

I have the honor, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1464.] LEGATION OF THE UNITED STATES,
Peking, January 30, 1892. (Received March 21.)

SIR: In my dispatch, No. 1451, of December 31 last, I submitted a copy of a circular issued by the French minister, referring to a proclamation posted by the magistrate at Ping-chuan Chou, wherein the said magistrate excused the atrocities committed against native Christians by the rebels. In my dispatch No. 1454, of the 11th instant, I reported the action of the diplomatic body thereon. In response to the representations of the Doyen the yamên stated that Li Hung-chang had been ordered to investigate into the conduct of the said official and report thereon.

Nothing further has been heard from the yamên on the subject, but the Peking Gazette of the 28th instant contains an imperial decree wherein the Emperor states that he has received a report from Li Hung-chang and Kueipin on the officials at Chaoyang and vicinity, the scene of the recent rebellion. He states that long before actual warfare began that locality was infested with bands of robbers who inflicted serious injuries on the Mongol and Christian population. The officials took no measures to subdue them, and the outbreak assumed large proportions. The Chih-hsien or district magistrate at Chao-yang is charged with remaining in his office writing verses and drinking wine, indifferent to his duties toward his people. His record also shows that at a previous post he had borrowed money from wealthy citizens, and had made so many debts as scarcely to be able to get away.

The district magistrate at Chien-chang is charged with inaction, and with issuing false reports as to outrages committed by rebels in his jurisdiction.

The magistrate at Ping-chuan, however, the object of the French minister's remonstrances, comes in for the most serious charge of all. He is stated not to have afforded protection to Christian chapels in the streets of his own city, with having issued exaggerated reports of the numbers of the rebels, and with lightly giving heed to false reports regarding Christians and basing thereon proclamations calculated to arouse the popular feeling against them.

Li Hung-chang and Kueipin had recommended that these officials be deprived of rank and office, but the Emperor remarks that such punishment is inadequate to their offense, and orders that they be degraded and banished to the forts on the frontier.

A translation of this decree is inclosed herewith.

I have the honor, etc.,

CHARLES DENBY.

[Inclosure in No. 1464.]

Translation of decree from Peking Gazette, January 28, 1892.

Li Hung-chang and Kueipin have presented a memorial setting forth the result of the investigation which, in obedience to our instructions, they made into the official misconduct of the magistrates at Chao-yang and other places.

Long before the evil-disposed persons of Jeho had created disturbances at Chao-yang, the departments of Ping-chuan and Chien-chang were overrun with robbers. The Mongols underwent at their hands great cruelties, and the Christians suffered the burning of their chapels and the murder of their people. The magistrates of these departments were guilty of such carelessness and neglect that bands of rowdies

profited of the occasion to excite the populace and bring about a serious outbreak. Remissness in control is an inexcusable fault.

In the report now before us it is stated that Liao Lunming, district magistrate at Chao-yang, though not charged with running away at a warning of danger, was guilty of passing all his time in his yamen writing verses and drinking wine regardless of the interests of his people. Furthermore, he was continually borrowing money of wealthy citizens and running deeply into debt. When he was transferred from Chih-feng to Chao-yang, the merchants did their utmost to hinder his departure. His conduct has been most disgraceful.

As to Chang Tsou-kai, district magistrate at Chien-chang, it is charged that when the outbreak was just commencing he took no measures to guard against it, and after the trouble was over he failed to report the truth concerning the murders and destruction of property at San-shih-chia-tzu. With his heart bent on deceiving, he hoped by concealment to shirk responsibility.

Wen Pu-neng, acting department magistrate at Ping-chuan, has a reputation for trickery. He was dilatory in the performance of his duties. He was even unable to protect the neighboring chapels in the very streets of his city. In his official reports he vastly exaggerated the number of the rebels. In speaking of the burning of Christian chapels and the murder of Christians he lightly gave credence to false stories and fabricated a proclamation calculated to stir up the popular mind.

These three officials, by their covetousness, lying, and inability, have brought an inheritance of evil to the places under them. They are truly worthy of contempt.

The memorialists pray that Liao Lun-ming be degraded from office, and be forever disqualified for official employment, and that Chang Tsou-kai and Wen Pu-neng be degraded from office. This penalty seems inadequate to their offense. We command that Liao Lun-ming, Chan Tsou-kai and Wen Puneng all be degraded and banished to the frontier forts. Let them by their exertions there atone for their offenses, and serve as an example to others.

As to the other matters in the memorial, let it be as the memorialists suggest.

Let the proper board take notice. Respect this.

Mr. Denby to Mr. Blaine.

No. 1470.] LEGATION OF THE UNITED STATES,
Peking, February 1, 1892. (Received March 21.)

SIR: I have the honor to inclose, herewith, a clipping from the North China News, which contains an account of the recent Mongolian insurrection, written by a Chinese priest.

I have the honor to be, sir, etc.,

CHARLES DENBY.

[Inclosure in No. 1470.—From the North China News.]

The rebellion in Mongolia.

We append a translation of a letter written by a Chinese priest from the center of the terrible scenes which have been enacted in the north. The letter is dated 15th December, and has just reached Shanghai.

There are in Mongolia two sects, the Taoists (Tsai-li) and the Rationalists (Kin-tan-tao) whose members, gathered from every class of people, literati, merchants, laborers, officials, and the like, have long been infamous in the country for their injustice and wickedness. One of their leaders, named Hu-Yong had, in particular, become, the terror of the inhabitants on account of his burglarious habits. Finding himself watched by the local mandarins, who waited for a good opportunity to seize him, he fled away to Sankiatz in the district of Kienchang, where he had many partisans and could, with their help, continue his life of rapine.

The crop last year having been almost destroyed, the people of that district were soon reduced to misery. Impelled by hunger they applied, about the beginning of August, to the petty magistrates and to the rich merchants for grants of rice, promising to repay them in the autumn. Every one in China knows what such promises are worth. The merchants promised to comply with the request, and a day was ap-

pointed on which an equal distribution of rice was to be served out to every person, whether a native or a stranger. In the meanwhile, however, the crafty merchants secured the help of Hu-Yong, and when two days after a long file of men and women, bag in hand, walked up to the rice shop they found the brave standing by the front door. There was a moment of hesitation, but hunger was stronger than fear. They rushed on the man who, knocked down and trampled under foot by the crowd, was soon a corpse. Fearing the consequences of their act and anticipating retaliation from the dead man's confreres the people agreed to lay the blame on the Christians, and the rumor was soon circulated throughout the town that the Christians were guilty of the crime. Without inquiring into the facts of the case, the Rationalists took up the cry; threats of death were freely uttered against the Christians, and a riot became imminent. Message after message was sent to the yamên, but the appeals for protection were disregarded by the local mandarin, who contented himself by saying the reports were unfounded and there was nothing to fear. In short, help was refused.

This was the state of affairs when, on the 16th of the tenth moon (November 17), a violent mob rushed to the residence of the missionaries at Sankiatz, broke into the house, seized the Chinese priest, Ling, stole all they could lay their hands on, and burnt church, house, and orphanage. Of all the persons living there, men, women, and orphans, not a single one was left alive; some were burnt in the house, others killed on the spot. Some who escaped from the building were soon overtaken and slaughtered. Then the mob scattered in all directions in search of new victims, and wherever houses of Christians were found the inhabitants were murdered, their property stolen, and the houses burnt to the ground.

The fiendish work is not over yet. Two victims are still captive. Father Ling is dragged to a temple and tied fast to one of the two masts in front of it. He is called upon to apostatize, but threats are vain; he remains firm. Guns are then leveled at him and he is shot dead; his body is immediately ripped up and pulling from the still panting body the heart, liver, and lungs, the murderers fix these ghastly trophies to the top of the mast. There remains a woman with child. Kerosene is poured over the poor mother and they burn her alive.

After this first exploit, in which some hundred Christian families were thus slaughtered, the rioters proceeded to Pingchünchow. Another appeal for protection was made to the subprefect Wen Pu-ni, but though renewed several times, it was always in vain. The rioters, however, were not yet so bold as to act openly. They sent a message to the mandarin. They had not, they said, taken arms against the Government; they only asked him to carry out their revenge against the Christians by burning and destroying their houses. This strange license being granted them, they entered the town, sacked and burned down the church, the orphanage, and houses of the Christians. Far from opposing them, the officials and soldiers of the yamên, in the hope of sharing in the booty, kindly invited the plunderers to search out all the Christians, and proclaimed that any person who should give shelter to Christians would be treated as such. The complaisant Wen Pu-ni in the meantime was spreading the rumor that in the residence of the missionaries there was hid a huge heap of bones—bones of children devoured by cannibal foreigners, of course—and sent this piece of news by letter to Gen. Yeh, who is said to be one of the Kin-tan-tao.

Gen. Yeh no sooner received the letter than he issued a proclamation against Christians and sent copies of it everywhere. The calumny was believed, and equally exasperated against the Kin-tan-tao men, the Tsai-li man, and the Christians, the people rose up against them, the former rioters openly declared themselves, and a regular rebellion now broke out.

Ch'aoyang Hsien was soon occupied by thousands of rebels; the prisons were broken open, all criminals were let loose, and the rage of the rebels was turned against the inhabitants. Their property was seized, and themselves butchered. Several noble families were massacred and so few people escaped in that great town and the surrounding districts, that for a distance of several hundred li not a family has been spared.

A certain Chu, one of the ringleaders, assumed the title of emperor, and to give himself greater prestige, took as wives and concubines several of the wives and daughters of the massacred nobles.

Another leader named Wei Lao-tao, renowned for magic art, gave his soldiers a spell which was supposed to preserve them from death. Every morning they were to swallow a magic pill intended to give them courage. On their flags was written "Hsing Ta Ming" (let us raise the dynasty of the Ming), "Mich Ta Ts'ing" (and destroy the present dynasty of the Ts'ing); and also "Yong hwa fu kuei tsai men" (honor, riches, dignities are to us).

In every town or village through which the rebel forces passed they proceeded to kill all the inhabitants.

Fortunately, after a time, Li Hung-chang sent troops against them. On the 20th of the tenth moon (November 21), the first battle was fought. The rebels numbered upwards of ten thousand men. Wei Lao-tao had taken up his position on an imperial

chariot formerly given by the great Kang Hsi to the temple of Kuanti, and on which chariot the idol is seated for the annual pageant. Whilst the troops of Li Hung-chang attacked the rebels in front, the soldiers of the subprefect of Kinchang Hsien fell on their rear; they were thus defeated, four hundred and seventy men were killed, more than a hundred made prisoners, and Wei Lao-tao himself was slain. The remainder escaped to Sankiatz, but the Jeho forces followed them up, slaying some forty of them

The rebels of the Kintantao sect still numbered upwards of ten thousand men. Several more battles were fought. The rebels, though superior in number, being badly drilled and too confident in their magic, were defeated and their sham emperor made prisoner. Two mandarins were also killed.

I hear that among the rebels there are many rioters who came here from Kiang-nan after the disturbances.

Among the Imperial troops there are also many wicked men doing great harm to the populations they have come to defend. This year the crop failed again and the number of the poor has considerably increased. The few families who are still well off have been robbed by the Imperial soldiers of all the provisions they had in store. They can not obtain protection from the mandarins, as these only care to get rich at the people's expense.

Here is a new instance of the cruelty of the rebels. A mandarian, unable to oppose them, had piled up on several carts his family, his provisions, and his riches. He had just arrived at the foot of the mountains when he was overtaken by the rebels, despoiled of all he had, and slain. The next morning, wishing to make certain that they had left nothing unplundered, the rebels came again to the spot and there discovered an infant crying for food. Unmoved by this pitiful sight, they caught hold of the child, seized it by the legs and pulled them apart, tearing the poor infant in two. Would to God that this may be the end of our calamities.

Mr. Blaine to Mr. Denby.

No. 701.] DEPARTMENT OF STATE,
Washington, February 11, 1892.

SIR: I inclose for your information a copy of a letter from the board of foreign missions of the Presbyterian Church in the United States and the resolution therewith, recognizing your services in aid of the missionaries at Chinanfu.

I am, etc.,

JAMES G. BLAINE.

Mr. Ellenwood to Mr. Blaine.

BOARD OF FOREIGN MISSIONS OF THE
PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA,
53 Fifth Avenue, New York, February 8, 1892. (Received February 9.)

SIR: The board of foreign missions of the Presbyterian Church, United States of America, having received communications from its missionaries in north China concerning the good offices of Hon. Charles Denby, United States minister at Peking, in securing due protection of the interests of its missionaries in the Shantung province, and also favorable recognition of their benevolent work and the granting of such facilities as would enable them to prosecute that work, desires to make formal acknowledgment of his services through the Department of State, and to express its thanks through the proper channels for the same. The action taken by the board is herewith inclosed.

Respectfully.

F. F. ELLENWOOD,
Secretary.

[Inclosure.—Extract from minutes, February 1, 1892.]

On receipt of letters from Rev. Gilbert Reid, of the Shantung Mission, calling attention to the services rendered to the mission by United States Minister Denby in securing from the Chinese Imperial Government certain favorable concessions with reference to the purchase of property for missionary purposes at Chinanfu, the board desires to record its high appreciation of this official service, which opens the way for the erection of missionary residences, school and chapel buildings, and hospital. The property thus gained will become a center for the diffusion of a widespread educational influence and the untold blessings of medical and surgical relief to thousands of the needy and suffering, to say nothing of the higher spiritual influences to be exerted upon the people. It was resolved that the board transmit, through the Department of State at Washington, a copy of this action, together with a unanimous vote of thanks to Hon. Charles Denby, United States minister at the Imperial Court of Peking, for his kindly intervention in behalf of the mission. (Letter of Rev. G. Reid, December 7, 1891.)

Mr. Denby to Mr. Blaine.

No. 1484.] LEGATION OF THE UNITED STATES,
Peking, March 5, 1892. (Received April 18.)

SIR: I herewith inclose a copy of a compilation called "A Complete Picture Gallery."

This publication is designed to reproduce for circulation among western peoples and powers exact copies of the vile and indecent pamphlets and pictures which are being distributed all over China and are believed to have been powerful causes of the recent riots.

If you examine this brochure you will see that it is full of the most abominable charges against foreigners. They are charged with kidnapping children, bewitching grown people in order to obtain their eyes and brains, and with every conceivable immorality. These papers are circulated by the millions with the tacit consent, if not open encouragement, of the local authorities. When the masses see that their officials and literary men believe, or affect to believe, that these charges are true, they are easily stirred to riot. It seems that we are face to face with a conspiracy to drive the foreigner out of China; and the plan of operations embraces the common use of libel and slander. In these pamphlets the populace is urgently advised to use all manner of personal violence to get rid of foreigners. No western country could permit obscene publications directed against foreigners resident in its borders to be circulated. It is admitted that the prohibition of such pamphlets is difficult, but while fair arguments against Christianity must be tolerated, direct appeals to murder and riot should be, as far as possible, prevented by the Chinese Government. I am satisfied that these publications have an immense influence on the masses; the greater, because there is a widespread belief that the Government secretly favors this plan of checking foreign residence in China. On the side of the foreigners, their trade, their property, their lives, are all at stake. It can not be wondered at, therefore, that they are disposed to adopt almost any method which may conduce to self-protection. Lately, at Hankow, the British residents made a direct appeal to Lord Salisbury in this matter. They passed stringent resolutions and demanded the active intervention of the home Government.

You will notice that the introduction and "Review" inserted in this brochure abound in attacks on the foreign representatives in China. It is scarcely necessary to say that these attacks are unwarranted. The diplomatic body here has always been engaged in efforts to secure the

interdiction of inflammatory publications, as your records will abundantly show. I lately sent to the yamên, by the hands of the dean, a large number of vile publications in Chinese, and their character was thoroughly explained and the prohibition of their circulation requested. Some feeble efforts have been made by the Imperial Government to destroy existing editions of these productions, but, in Hunan, which is the locality of their origin, it does not appear that any serious effort has been made to check their printing and distribution.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

LEGATION OF THE UNITED STATES.

No. 1485]. *Peking, March 5, 1892.* (Received, April 18.)

SIR: I have the honor to inclose herewith a translation of a communication from the foreign office on the subject of the action taken by the Government relative to the riot at Wuku last year. The yamên sets out that two of the rioters were arrested and decapitated on the spot. Others were punished by imprisonment and the cargue. Later, another leader, Kao Yu Ching, was arrested and beheaded. Thus the leading criminals have been punished as a warning to others in the future.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1485.]

The Tsung-li-yamen to Mr. Denby.

No. 3.] PEKING, *March 3, 1892.*

Upon the 24th February, the Prince and ministers received from the minister superintendent of southern trade a communication stating that in the matter of the burning and destruction of missionary property at Wuku by outlaws last year, Chuan Yon Shun and Wang Kuang Chin, rioters, were decapitated on the spot, and their heads exposed as a warning to others. Other participants in the riots were also punished, some by imprisonment, and others cargued, according to the nature of the offense committed. At the same time, instructions were issued to cause the apprehension of Kao Yu Ching, one of the chief rioters, and other miscreants, and to have meted out to them rigorous punishment.

Later the expectant Taotai, Yuan, in charge of the tithing office at Wuku, reported that in December of last year Chen Hsi-tung, an outlaw, was arrested and, on being examined, the whereabouts of Kao Yu Ching were ascertained. A worthy officer with soldiers was dispatched to effect his arrest. A petition was therefore presented to the minister superintendent of southern trade asking for instructions as to what action should be taken with this criminal. Instructions were accordingly issued and the Wuku Taotai made his report to effect that he had examined the said criminal and it appeared that he was a conspicuous leader of the seditious society and that he had been engaged in the missionary disturbances, beating gongs, and causing destruction of property by fire. His criminal acts were of such a nature that leniency should not in any way be shown A copy of the evidence was transmitted to the minister superintendent of southern trade asking for instructions in the premises. He, finding that the criminal was a conspicuous leader and that he had taken the lead in the burning of missionary property, considered that it would not be convenient to postpone for any length of time his punishment, and therefore ordered

that he be at once beheaded and that his head be exposed as a warning to the populace. The yamên would observe that the first missionary outrage occurred at Wuku. The leading criminals have been apprehended and punished. The heads of the evildoers have been taken off as examples to others. Now besides having addressed his excellency Mr. Lemaire, the French minister, on the subject, as in duty bound, the Prince and ministers in like manner send this communication for the information of the minister of the United States.

Mr. Denby to Mr. Blaine.

No. 1490.] LEGATION OF THE UNITED STATES,
Peking, March 14, 1892. (Received May 5.)

SIR: At the request of the consular body at Shanghai, I have the honor to inclose a report of the proceedings of a public meeting held at that city the 25th ultimo, to consider "the Hunan publications."

The meeting indorsed the petitions which have been forwarded to the President and Lord Salisbury from Hankow and Kiukiang. I thoroughly agree that the influence of these publications is bad and that they ought to be suppressed.

Nothing has been left undone by the foreign representatives to secure that result, still it seems to be desirable that direct representations should be made by the home governments to the Government of China on the subject.

I fear, however, that the causes of discontent among the Chinese are deeper than antagonism to the Christian religion. There can be no doubt that there is a widespread belief in China that international intercourse is injurious to her interests. The more intelligent among her people cite as grievances the importation of opium, the import of foreign manufactured goods, the introduction of steamers, the loss of Burma and Annam, extra territoriality, the presence of missionaries, and many other things.

The decline in the tea and silk trade aggravates the prevailing unrest and bad feeling.

It is not worth while to inquire whether the matters complained of do produce the injury which is alleged. Opinions thereon would largely differ.

The chart that guides the foreign representative is the treaty. He has only to see that its provisions are complied with. If those provisions work injury to China he can not help it. She must find her own methods of relief.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1490—Clipping from North China Herald, February 26, 1892.]

The Hunan publications.

A public meeting of residents in Shanghai was held yesterday afternoon at the Lyceum Theater, at the invitation of the Shanghai General Chamber of Commerce, to take such steps as might appear desirable in regard to the antiforeign publications by the Chinese. The chair was taken by Mr. J. G. Purdon, president of the chamber and chairman of the municipal council, and there was a large attendance.

The chairman opened the proceedings by saying:

Ladies and gentlemen: This meeting of the community is called for the purpose of taking such steps as may seem advisable with regard to the abominable antifor-

eign publications that are issued in various parts of China, particularly in the province of Hunan. The subject has been so fully and powerfully laid before us all by the Rev. Griffith John and other missionaries whose position enables them to speak with authority, and so well treated in the local press, that I do not propose taking up your time by going at any length into it here. There can be no question but that these publications have had the effect intended of embittering the minds of the natives against all foreigners, and while we in Shanghai have escaped any trouble it is because the natives are aware that we have men-of-war in port and a very efficient body of volunteers and police who could and would speedily put down any local riot. This does not make us indifferent to the sufferings that our fellow countrymen at other ports have gone through, or to the probability that they may have again to suffer, unless some very decided measures are taken by the treaty powers to show the Chinese that the present state of affairs can not be permitted to continue; and it is to back up the efforts that have been made to this end, by the residents at other places, and to strengthen the hands of our consular representatives in the steps that we may be sure that they have taken to bring the matter before the home governments, that we are met here to-day. As I said, we in Shanghai have escaped actual outbreak, but it is evident to any one carefully observant that the antiforeign feeling is by no means absent. Straws show how the wind blows, and the greatly increased obstructiveness of the Chinese officials in every matter connected with these settlements, and their evident desire to interfere in the affairs of the settlements, unquestionably arise from feelings antagonistic to all foreigners; while at the same time any complaint against their own countrymen laid before the officials is contemptuously ignored. I may add that I sent one of these publications, one of which I have in my hand, some mails ago, to the secretary of the China association in London, to be made such use of as that body may see fit. The meeting is now ready to receive any resolution that may be offered.

Mr. R. W. LITTLE. Mr. Chairman, ladies and gentlemen: I wish, as I have no doubt you wish, that the moving of this resolution, copies of which have been distributed throughout the theater, had been placed in stronger hands than mine; but the importance of the subject will, I hope, make up for my deficiencies. Most of you, I imagine, have copies of this resolution, but perhaps it will be in order if I read it to you. It is as follows:

"That this general public meeting of Shanghai desires to express its full indorsement of the petitions sent to the Marquis of Salisbury and the President of the United States by the Hankow and Kiukiang communities on the subject of the recent antiforeign riots in the Yangtze Valley, and to support them in drawing the attention of the representatives of all the treaty powers at Peking and their respective governments to the wide diffusion in Central China of virulent and antiforeign literature in the shape of placards, cartoons, pamphlets, and books, whereby the good relations that would otherwise subsist between China and foreigners have been and are seriously endangered; and to the unwillingness displayed by the Chinese authorities to put down this manifest evil by stopping this diffusion and punishing its promoters, although the authors and disseminators of the objectionable publications are perfectly well known to them. This meeting, therefore, hereby requests the chairman to send a copy of the record of the proceedings to-day to the doyen of the diplomatic body at Peking, requesting him to communicate the same to his colleagues, and beg them to join with him in laying this protest before his and their governments, that steps may be promptly taken to mitigate the evil complained of and avert the serious consequences that may be otherwise expected."

I do not imagine that any exception can be taken to the general drift of this resolution, though perhaps there might be beneficial alterations in the wording of it. The main object of this meeting is to back up what has been done in Hankow and later in Kiukiang. We owe to Hankow, and especially to the energy of Dr. Griffith John [applause], the detection of the source of these placards, pamphlets, and books. The book which has been published in Hankow, containing a large number of these placards, was chiefly intended to be sent home to the governments and leading people there, so that they may realize what this antiforeign propaganda is; and there have been, I understand, very few copies reserved for China. Through the kindness of the British and Foreign Bible Society here, I have been handed a large number of the placards, which perhaps some of you would like to vary the monotony of my speaking by looking at meanwhile; and I think you will see on looking at them, that none of the language which has been used in describing these publications, of which these few are only a sample, has been exaggerated. If we were not concerned at all in this propaganda and its effects, I think it would still be our duty to support Hankow in what it has done. Not only are the river ports offshoots from ourselves, but they are bound to us by all kinds of ties. They are dependent upon us commercially as we are more or less upon them; and the efforts Hankow has made through Dr. Griffith John, through Consul Gardner, and through the public meeting which it held, certainly deserve our support and our indorsement. We have been, as the

chairman has said, fortunately free from any actual outbreak, and we are likely to continue so as long as we are as well defended as we are; but we must remember that, in the words of the Roman poet, it becomes our business when our neighbor's house is on fire. Last summer, perhaps, many of you will remember, the riots came very near to us, within 25 or 30 miles. It is quite possible—indeed it is more than possible, it is very probable that if something is not done, similar riots will break out again this year. Without going so far as to believe with the Viceroy Chang Chih-tung, that there is a spirit of rebellion, and more that an organized rebellion existing in the Yangtze valley, it is very certain there is an immense amount, among a certain class of the people, of unrest and readiness to break out in outrages. There is no doubt that if these publications of Chou Han and his accomplices have not caused these riots, they have been in many cases the spark which has set fire to material already prepared. In any civilized country as the Hankow petition to lord Salisbury pointed out, such publications as these would be stopped at once by the Government, and although the Throne and Viceroys fulminate against them and declare that their authorship is punishable with death, and that they will be repressed with the whole energy of the Government, we do not see that anything has been really done to stop Mr. Chou Han's work and that of his accomplices. It is our duty, both on account of Hankow and ourselves and general civilization and progress in China, to do what we can to get this propaganda put down. We are not, in forwarding the minutes of this meeting, if this resolution is passed, as I hope it will be, throwing or intending to throw any slight whatever on the exertions of our representatives at Peking. We know they have done and are doing their best, and we have every reason to believe that anything we do here will only strengthen their hands, and should not be received by them as throwing any blame upon them. So much has been already said, as the Chairman remarked, in the press particularly and generally about this propaganda, about what it has done and what it will do if it is not stopped, that you will not expect me to go on at great length. I can only say I hope this large and representative meeting will pass this resolution, amending it if it likes by acclamation, and that our action will not only be a satisfaction to our friends up the river, but be of benefit to the cause of civilization in China and the safety of our fellow countrymen throughout the Yangtze Valley. With these few words, gentlemen, I place this resolution in your hands. [Applause].

Mr. E. G. Low. In rising to second the resolution proposed by Mr. Little I do not intend to say more than a few words. The situation has been so clearly put in the forcible letters of the Hankow and Kiukiang communities that it is only left to us to give them our fullest and most unqualified indorsement, and this we do by the resolution before us. The thanks of all foreigners in China are greatly due to Dr. Griffith John for his ability and tenacity in ferreting out the true source of the publications which have caused so much evil. Hoping that our home governments will no longer remain blind to the necessity of taking the strong stand which their ignorance of the true state of affairs has hitherto prevented them from taking, I have much pleasure in seconding the resolution.

Rev. Timothy Richard. I heartily support the resolution, both in the interest of foreigners and that of the Chinese—in the interest of foreigners, because innocent, law-abiding, useful, and philanthropic residents, scattered widely throughout China, should no longer be left at the mercy of lawless mobs, still guided, unstopped, by such mandarins as Chou Han and his associates; in the interest of the Chinese, because delay in giving full protection and security to foreigners is the surest and speediest way of bringing about what the Chinese fear most: foreign war and all its consequences. I therefore sincerely hope that this motion will be carried unanimously.

Mr. Herbert Smith. This important matter has been so ably dealt with by the previous speakers that it is unnecessary for me to say anything further. It is certainly a subject of such grave moment to all sections of the foreign residents in China that our protest can not be too strongly brought to the notice of the diplomatic body at Peking. I heartily support the resolution.

Mr. A. McLeod. The able manner in which the proposer of this resolution brought the matter before this meeting leaves very little for me to say. I am only qualified to speak on the matter before us from one point of view, a merchant's, and I think we all admit that the prosperity of this place depends in a very large measure upon the peaceful course of trade. If these riots such as disturbed the valley of the Yangtze during last autumn are carried on, it is perfectly hopeless to expect trade to flourish, and from that point of view alone I think that, in a commercial community like Shanghai, the committee of the chamber of commerce have acted very wisely in calling this meeting. I do not think I can add anything to what the proposer of the motion said. He went so fully into the subject that it leaves little else to say. I will therefore conclude by saying I have much pleasure in supporting the resolution. [Applause.]

Rev. W. MUIRHEAD. I think we have ground for serious complaint in the occasion of our meeting here this afternoon. The riots that have taken place in the interior of the country may well excite our deepest feelings; and we here express our sympathy with those who have been in the greatest danger. These riots I believe to be owing to the papers now referred to. Who is the author of them? Only a few parties, I believe, are engaged in the work; Hunanites they are called. But the Chinese are like a flock of sheep, easily led by those in a position of authority over them; and the Hunanese at large are ready to follow in the wake of Chou Han and his colleagues. These papers speak for themselves. They are against all morals and propriety. They are full of lies as well as vile aspersions on foreigners and on missionaries in particular. It behooves us to take action in the matter. As has been already said, those in the interior of China look to Shanghai as the hub of the whole country, and very much will depend upon the course which we take and upon the influence that we exert. Are we not moved by the deepest concern for the welfare and safety of our countrymen and of our countrywomen in the interior? [Applause.] We know what has taken place in consequence of these papers, and, as has been already remarked, we know not what may follow as a still further consequence. To a very large extent it is in our hands to put down these vicious and vile publications. If we use the influence which it is in our power to exert I am sure Chou Han and his companions can be easily laid hold of and brought to a very severe issue in regard to punishment for the vile conduct which he has shown. Not that we are anxious to be avenged in any way; but in view of the high interests at stake it would be well for this community unanimously to follow in the wake of this resolution, and do our very utmost to influence the authorities at home and the authorities at Peking to suppress these publications, that we may live here and elsewhere in peace and quietness. Speaking as a missionary, I would do nothing at all. It is very strange that in the early days of Christianity charges similar to those which have been brought against missionaries and others in the papers referred to were universally made; but they were answered by those whom we have the honor of calling the early Christian Fathers. I suggest that the missionaries should answer these charges in a similar manner. But we are not all missionaries, and we are on a pleasant and agreeable footing with the government of this country. We have entered into friendly relations with it, and it behooves us to show in a strong and determined way that we will not submit to the publication and diffusion of such unprincipled, immoral, and untrue papers as seem to be so widely circulated. [Applause.] I hope that this gathering of friends in Shanghai will support the missionaries in the interior and the friends who are there at large, in order to put down these vicious and vile papers; and I hope ere long we shall hear no more about them. [Applause.]

Rev. GEO. HUNTER (China Inland Mission). I should not have risen to-day had not Mr. Muirhead used a word that included me in what he said. He said we were unanimously of opinion that the steps proposed should be taken. I differ from that, and, having an opinion on the matter, can not content myself with giving a silent vote. One of the gentlemen said he could only speak as a member of the mercantile community in this matter. I can only speak here as a missionary; as one who has come out in the interests of the gospel, to spread that gospel. I agree of course with every word that has been said about the character of these publications. They are vile and untrue beyond all characterizing, but we can not but remember that we come out to take these things cheerfully. We come out to love and to bless them that curse us and to pray for them that despitefully use us. We are called upon here to urge the authorities to take steps to stay the evil and have its promoters punished, and Mr. Muirhead hinted at that in no very indirect terms. The newspaper this morning gave us a reminder as to what that meant. There was one very excellent article supporting the object of this meeting, and another told us what punishment of offenders meant in Chinese eyes. The danger is that if we take this step we are leading ourselves into these consequences. I represent a mission that has a great many members in the interior, and we do not take the position Mr. Muirhead suggests at all, and that our friends at Hankow and elsewhere suggest. We believe that, in the interests of the gospel and in spite of dangers to ourselves, this evil is better left as it is. I do not move an amendment, not having seen the resolution before; but for the sake of the gospel and missionaries and for the winning even of Hunan, when this resolution is put I shall certainly say "no."

The chairman then put the resolution and it was carried, Mr. Hunter alone holding up his hand in dissent.

The meeting terminated with a vote of thanks to Mr. Purdon for his able and courteous conduct in the chair.

Mr. Denby to Mr. Blaine.

No. 1492.] LEGATION OF THE UNITED STATES,
Peking, March 21, 1892. (Received May 5.)

SIR: I have the honor to inclose herewith a copy of an imperial decree which gives an official account of the recent riots and rebellion in Mongolia. This decree is founded on a report made by Li Hung Chang and Kweipin, the military governor of Jekol, on the conduct of the civil and military authorities before and during the disturbances. From this report it appears that there had been for a long time strained relations between the Chinese settlers and the native Mongols on the one hand, and between the Christians and the non-Christians on the other. For a number of years this condition of animosity became more and more accentuated. The local officials are very severely criticised for not taking measures to secure peace, and it is said that "no mercy whatever can be extended to them." The rising first took place in Chao-yang-ksien, but attained its greatest extent in Ping-chuan-chow and Chien-chang-ksien. The Mongol population suffered most, but a missionary station was burned down and some native Christians were murdered. These outrages against Christians were committed by native religious sects. Crowds flocked to the standard of these sects and the émeute assumed the proportions of a local rebellion against public authority. It having been stated as an excuse for the outrages against the Christians that many corpses of children had been found in the cellars of the mission buildings without eyes or hearts, this matter was fully investigated. It has been proved that the report of the magistrate to this effect is absolutely false, and he is severely censured for making such a misstatement. It will be seen that the inclosed decree follows substantially the report of the Viceroy Li. The officials through whose negligence the riots took place have been cashiered and banished. The rebellion is now extinct. It is said that 20,000 lives have been taken. No foreigner was injured.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1492.]

Punishment of officials for neglect in connection with the insurrection in the northwest.

JANUARY 27 and 28.

DECREE.

We are in receipt of a memorial from Li-Hung-chang and K'nei-pin denouncing, in pursuance of imperial instruction, the district officers responsible for the capture of Ch'aoyang and other towns. The recent rising was first set on foot at Ch'aoyang by marauders from Jeho; the department of P'ingch'üan and the district of Chiench'ang encountered the brunt of the rebel movement, and the Mongol country suffered very severely. In addition to all this, the chapels of the Catholics were burnt and their converts murdered. The magistrates of the two departments in question were uniformly remiss and careless in the execution of their duty, with the result that the criminal element in the community got an opportunity of inflaming the popular feeling and bringing about a grave catastrophe. Were the letter of the law touching official responsibility applied to their case, no mercy could be extended to them. The inquiry which has been instituted into the case of the Ch'aoyang magistrate, Liao Lunuing, shows that although he did not, as was alleged, make his escape as soon as he received intelligence of the rising, he habitually neglected the interests of the people and spent his time in tippling and verse-making. He had also on fre-

quent occasions contracted loans from the wealthy people in his district and was deeply embarrassed. So depraved was he, and so unworthy of public trust that when he was transferred from Ch'ihfeng to Ch'oayang, the people of the former place tried to prevent him from leaving in his insolvent condition.

Chang Tsou-k'ai, the magistrate of Chien-ch'ang, did not take the slightest precaution to avert trouble when the feud first broke out, and later on he failed to furnish an accurate account of the circumstances connected with the pillage and massacre which took place at Sanshihchiatze. His object was to evade responsibility by adopting a policy based upon craft and deceit. The acting magistrate of P'ingch'uan, Wen Pu-nien, is notorious for his trickery and is an adept at making out a plausible defense when he gets into trouble. The Catholic premises were in a street in the town, and yet he failed to make any real effort for their protection. He exaggerated enormously the number of the rebels and gave hasty credence to false rumors in connection with the outrage upon the missionary establishment. His reports were false and his proclamation had a most disquieting effect on the minds of the people. The three officials above mentioned have, by their grasping, deceitful, and utterly depraved conduct brought the most grievous harm upon the district. The memorialists recommend that Liao Lun-ming should be cashiered and never again employed in the public service, and that Chang Tsou-k'ai and Wen Pu-nien should be degraded and their services dispensed with. This sentence we consider too light, and we hereby command that all three be cashiered and banished. The other proposals contained in the memorial are approved.

Mr. Denby to Mr. Blaine.

No. 1495.] LEGATION OF THE UNITED STATES,
Peking, March 22, 1892. (Received May 5.)

SIR: The question of *likin* has been very often discussed by my predecessors and myself. It is the most important commercial question with which the foreign representative in China has to deal, and therefore, in view of recent events, I beg to offer a few observations thereon.

No scheme for injury to foreign commerce could have been devised which would compare in efficiency with this system of internal taxation. When we look at the immense extent and fertility of China it will be readily seen that the foreign imports, which in 1890 amounted to Kk. Tls. 127-093-481 (United States currency $161,408,720.87), bear a small proportion to the amount that ought reasonably to be expected. I do not mean to say that foreign trade was entirely represented by this sum, because there was a great trade in junks, but this sum is the value of goods carried in foreign bottoms. Roughly speaking China has 400,000,000 people. Its extent is 1,350,000 square miles. Its population is, on the average, 288 per square mile. If there were no artificial barriers to the sending of foreign goods into the interior foreign trade would assume immense proportions.

Likin was devised in China about sixty years ago to meet temporary necessities. It has now become the favorite weapon of the Chinese for the crippling of foreign commerce. All the routes pursued by trade, whether by land or water, are interspersed at frequent intervals by barriers at which an internal tax is collected. I have seen it stated that between Canton and Pesé, on the West River, there are one hundred customs barriers in a distance of 900 miles.

A partial remedy for these difficulties was provided in the Chefoo convention and in our treaty of 1858 (See Treaties 1776-1887, p. 177). By this treaty merchandise imported to or exported from the interior might pay one-half duty and be absolved from payment of *likin*. The duty on foreign goods imported thus in the average was 7½ per cent. To entitle foreign goods brought from the interior to "transit passes" they must be intended for export.

It is plain that this restriction is injurious, because the benefits of the local trade, which is vastly greater than the foreign trade, are thereby denied to foreigners. Another objection is that the transit passes cover the goods only to the exact point named and not to points of redistribution. The Chinese officials, in some cases, in order to discourage the use of transit passes and to secure the payment of *likin* to themselves, have reduced it to a point below 2½ per cent. Native merchants, on the other hand, have sometimes shipped sugar from Swatow to Hongkong and then brought it back to China as a foreign article, by which scheme it has avoided *likin*. I notice that something of the same character was recently done in the United States in order to save freight.

Likin difficulties are becoming so numerous in various parts of China that a radical change of the system is desirable, but it is by no means certain that any change can be effected.

As to opium, you are well aware that, by the additional articles to the Chefoo convention, signed at London, July 18, 1885, it is provided that this article shall pay a tariff duty of 30 taels per chest of 100 catties, and 80 taels per like chest as *likin*, and shall thenceforth be subject to no other tax when transported into the interior. If such an arrangement could be made as to all foreign goods it would result in great benefit to foreign trade, would prevent many local disturbances, and would give security to the introduction of foreign imports into the interior.

Singularly, when this scheme was inserted some years ago in what is called the "Alcock convention," the boards of trade and the merchants generally opposed it and secured its rejection. They then preferred to rely on the transit pass system, and were not willing to submit to any additional burden on trade.

With the experience now before the mercantile community, I believe that it would be willing to sanction the payment of a fixed sum as *likin*, in addition to the tariff duty. At the meeting of the diplomatic body hereinafter mentioned, it seemed to be the general impression that good would result from such a change.

If the present system, as provided for in the treaties, were acted up to by the local authorities, there would be a measure of satisfaction but, notoriously, every possible hindrance is made to the use of transit passes. Ingrained in the Chinese nature, official and private, is the love of a "squeeze," which the transit pass system prevents, as the tax is collected by the foreign customs.

I have received from the consul at Canton, Mr. Seymour, quite recently, three dispatches detailing action of the local authorities hostile to the transit pass system. On the 19th instant, I received from him a telegram, which reads as follows:

> Since January transit pass trade squelched by *likin* notices seizures, arrests with viceroy's approval.

In one of these dispatches he informs me that 900 cases of American kerosene, though covered by transit passes, had been required to pay 20 cents per case *likin* at the point of destination. This lot of kerosene was the property of a British firm; nevertheless, as it is an American product, I am justifiable in taking action.

In another dispatch he informs me that in 1891 there were sent from Canton to the interior about 3,000,000 gallons of kerosene, and through Pakhoi about 170,000, making in all 3,170,000 gallons.

The refusal of transit passes to some extent imperils this great trade.

Of course, such refusal does not necessarily destroy the trade, because it has shown that it possesses vitality, and would probably survive the imposition of *likin* dues.

I mention, *en passant*, that the authorities have concocted at Canton a new device to injure the foreign carrying trade. They have reduced export duties on goods carried in native junks, and thereby aroused the ire of the Hongkong Chambers of Commerce, but this matter must be reserved for a separate dispatch, if one be necessary.

Mr. Seymour urgently requests, in a dispatch sent to the Department, of which he forwarded a copy to me, that the whole diplomatic body should take up the question of transit passes, the question being of common interest, etc. On receipt of this telegram and these dispatches, I had a consultation with the dean and procured him to call a meeting of the foreign representatives for the 21st instant, to take appropriate action. This meeting took place yesterday. The French, German, and British ministers had received dispatches and telegrams similar to mine.

The meeting resolved that identic notes should be sent to the yamên, complaining of the action of the *likin* authorities at Canton and demanding that the transit-pass system should be maintained in full force. A copy of the said note will be forwarded to you.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1496.] LEGATION OF THE UNITED STATES,
Peking, March 22, 1892. (Received May 5.)

SIR: I have the honor to inform you that the local authorities at Canton some ten days ago ordered that all goods shipped at Canton on native junks should pay a smaller export duty than goods in foreign bottoms. The effect of this rule was to deprive the steamboat lines plying between Canton and Hongkong, which are owned by foreigners, of a large portion of the carrying trade. Protests against this action were made by the Hongkong Chamber of Commerce, and were sent to Lord Salisbury, who ordered Her Britannic Majesty's minister here to take up the question. As the foreign tariff is not technically interfered with, and the reduction applies to the native tariff only, an interesting question was involved. Sir John Walsham discussed the question with me. I advised him that in spirit at least such a discrimination was contrary to the third article of the American treaty of 1880. (See Treaties 1776–1887, p. 184.) This article reads as follows:

His Imperial Majesty the Emperor of China hereby promises and agrees that no other kind or higher rate of tonnage dues or duties for imports or exports or coastwise trade shall be imposed or levied in the open ports of China upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, or upon the produce, manufactures, or merchandise exported in the same to the United States or any foreign country or transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation, or on those of Chinese subjects.

While it might be argued that the foreign tariff is not at all changed by reducing export duties in the native tariff, still it is plain that such reduction operates exactly as if the foreign tariff were increased, and

secures a great advantage to the owners of native junks. If goods shipped on native junks were to pay no export duty it is plain that all goods would be shipped on native junks to the exclusion of foreign bottoms. It is always desirable in construing a treaty to look at instruments contemporaneous with the execution of the treaty. Following this rule in this case I found at pages 198, 199 of Foreign Relations, 1881, the history of the preparation and adoption of Article 3 of the treaty of 1880 above referred to.

The existence of the two tariffs, the foreign and native, is mentioned by the commissioners. The dangers of abuse of the native tariff are discussed. The article, which was proposed by the Chinese commissioners, was agreed to by the American commissioners on two grounds:

First. Because it makes the Imperial Government directly responsible to us for any maladmistration in the Chinese customs of which we may have reason to complain.

Second. A treaty stipulation like this tends to diminish the power of provincial officers and to increase that of the imperial authorities.

I think that it is fair to conclude that the action taken by the Canton authorities is contrary to the treaty.

Sir John Walsham had, on the 20th instant, an interview with the Yamên, and complained of the action stated, and believes that the action of the Canton authorities will be rescinded.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1499.] LEGATION OF THE UNITED STATES,
Peking, March 29, 1892. (Received May 13.)

SIR: In compliance with the instructions contained in your No. 697, of January 29, 1892, I sent to the Tsung li Yamên a note expressing the satisfaction with which the President and people of the United States had learned of the suppression of the rebellion in Mongolia, and received a reply thereto wherein the prince and ministers, on behalf of the Chinese Government, desired me to express to the President their sincere thanks for the kind message sent.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1501.] LEGATION OF THE UNITED STATES,
Peking, March 29, 1892. (Received May 13.)

SIR: Referring to my dispatch No. 1495, March 22 last, wherein I inform you that I will forward to you a copy of an identic note sent by the foreign representatives to the Yamên on the likin questions that have arisen at Canton, I have now the honor to inclose a copy of said identic note.

I have, etc.,

CHARLES DENBY.

[Inclosure with No. 1501.]

Mr. Denby to the Tsung-li Yamên.

No. 1.] MARCH 26, 1892.

YOUR HIGHNESS AND YOUR EXCELLENCIES: The American consul at Canton has forwarded to me copies of two proclamations issued by the likin office at that place, offering rewards for the arrest of some Chinese in the service of foreign firms, for having made a fraudulent use of transit passes.

Copies of these proclamations which were issued January 26 and February 18, respectively, I have the honor to inclose. Furthermore, complaints have reached me from Canton that likin was levied on imports sent into the interior under transit passes as well as an extra lo-ti-shui after such imports had reached their destination; lastly, a few days ago I received a telegram from the American consul at Canton informing me that in consequence of the action of the likin officials and the refusal of the governor-general to listen to the demands for redress made by the foreign consuls, the trade under transit passes had entirely ceased and thus serious harm had been done to the general import trade. With reference to these facts your highness and your excellencies will allow me to draw your attention to Section III, Article IV of the Chefoo convention, and rule 7 of the convention for the regulation of trade concluded between China and the United States in 1858, under which Chinese and foreigners alike are entitled to use transit passes for the transport of imports into the interior; it is therefore difficult to understand how Chinese could fraudulently use transit passes for imports to the use of which they are legally entitled.

The levy of likin on imports under transit passes on their way to the interior is forbidden by treaty. The action of the likin officials and the failure of the governor-general to grant redress when appealed to by the consuls must therefore be considered as a serious infraction of the provisions of the treaties, and will entitle foreign merchants to claim heavy damages for the hindrances thrown into the way of the import trade in foreign goods.

In order to avoid such claims and the unpleasant negotiations to which they would give rise, I have the honor to request your highness and your excellencies to issue without delay telegraphic instructions to the governor-general of the two Kuangs to order the likin office to withdraw the two proclamations above mentioned, as likely to cause the impression as if the Chinese were forbidden the use of transit passes for imports, and to cease the levy of illegal taxes on imports protected by transit passes, either in transitu or after their arrival at their destination without making a difference on account of the nationality of the persons possessing and carrying such imports. I must further request your highness and your excellencies to instruct the governor-general by telegraph to render public by proclamation the orders thus issued to the likin office in order to allay the apprehension and incertitude caused by the latter's action. I shall at the same time cause the American consul to forward to me an account of all the losses suffered already or incurred afterwards by American merchants through the action of the likin office, for the amount of which losses I must hold the Chinese Government responsible.

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1509.] LEGATION OF THE UNITED STATES,
Peking, April 5, 1892. (Received May 13.)

SIR: I have the honor to inform you that I have received a dispatch from Consul Seymour, wherein he states that on Sunday, March 20, at Chik Horn, in the Hoy Ping district, province of Kwautung, about 120 miles northwest of Canton, a chapel of the American Presbyterian Mission, and the house of the native preacher, a rented house, were looted by a gang of ruffians. The disturbance took place during divine service. Mr. Seymour has taken proper steps to secure redress.

* * * * * * *

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1513.] LEGATION OF THE UNITED STATES,
Peking, April 10, 1892. (Received May 27.)

SIR: In my dispatch No. 1501, of March 29 I had the honor to send a copy of my communication to the foreign office relating to the action of the lekin authorities at Canton adverse to the issuance of transit passes.

I have now the honor to inclose a translation of the reply of the yamên to my communication. This reply consists mostly of denials that any opposition has been manifested to the issuance of transit passes. But the matter is too evident to require any proof except to note that in 1891 there issued two thousand transit passes, and in January, 1892, one hundred and twenty-six. The proclamations complained of appeared January 26, and in February the number of transit passes fell to six, all of which were for cotton yarn.

These figures are reported to me by Mr. Seymour. There can be no doubt that the hostile action of the lekin authorities caused this practical extinction of transit passes. The foreign office has been requested to wire its directions to the viceroy, and further correspondence will ensue.

I have, etc.,

CHARLES DENBY.

[Inclosure with No. 1513.]

The tsung-li yamên to Mr. Denby.

No. 5.] APRIL 7, 1892.

YOUR EXCELLENCY: The prince and ministers had the honor to receive, on March 26, a communication from the United States minister in regard to the posting of proclamations by the lekin authorities at Canton, setting forth that unprincipled and crafter [crafty] Chinese merchants had assumed the names of foreign merchants and falsely used transit passes for the purpose of smuggling and evading the payment of lekin, and offering a reward for their arrest. The United States minister furthermore states that complaints have reached him from Canton that lekin was levied on imports sent into the interior under transit passes as well as an extra lo-ti-shui after such imports had reached their destination; that in consequence of the action of the lekin officials the trade under transit passes had entirely ceased, and thus harm had been done to the general import trade. Reference is made to section 3 of the Chefoo convention, under which Chinese and foreigners alike are entitled to use transit passes, and it is therefore difficult to understand how Chinese could fraudulently use transit passes; that the levy of lekin on imports under passes on their way into the interior is forbidden by treaty, and the duty leviable on goods covered by transit passes on arrival at their destination can not, under treaty, be greater than on goods not covered by passes. The lekin office has acted in violation of treaty stipulations, and the minister of the United States must hold the Chinese Government responsible for any losses American merchants may suffer through such illegal action.

The yamên at the time telegraphed to the governor-general at Canton to investigate the matter, and a cablegram in reply has been received from that officer as follows: "Chinese merchants as well as foreign merchants are alike permitted to take out transit passes without the payment of lekin on the goods they cover. The rule of action hitherto taken in Yuet [*sic*] provinces has been in accordance with treaty stipulations. No prohibitions have been enacted against Chinese merchants taking out transit passes and no extra lekin has been levied on the goods these documents cover. But foreign merchants should apply for passes in their own names and also the Chinese merchants in their names. They should not borrow or use the names of others. Recently Chinese merchants have applied for transit passes and many have

assumed the names of foreign merchants, the evils resulting from this being very great. Foreign merchants of regular bona fide standing are men naturally of respectability, and in applying for transit passes they, as a matter of course, observe and respect the treaties. But among Chinese merchants there are those who are avaricious and greedy for a little gain, and who secretly carry goods and smuggle, and they, therefore, assume the names of foreign merchants, as they wish by such a plan to avoid suspicion. Such crafty merchants by their acts not only prove detrimental to the collection of lekin in the interior, but they injure and destroy the reputation of foreign merchants. Again, the importation recently of foreign goods has not fallen off. A reference to the custom returns is evidence of this fact. Since the native authorities at Canton have never prohibited the application for transit passes, they have never detained merchandise or refused even once to grant transit passes. The statement in regard to paying indemnities for losses is decidedly one that the viceroy can not understand."

The yamên would observe that the Canton authorities have never prohibited Chinese from obtaining passes. Their action has been in accordance with treaty stipulations. The expression "assuming" in the proclamations issued by the lekin office meant that Chinese had assumed foreign merchants' names for the purpose of smuggling by the art of deception, and the prohibition of such practices is certainly in accordance with the stipulations of section 3 of the Chefoo convention. Further, the action taken is also in accordance with the terms of Article X of the rules appended to the tariff, which reads that it is at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue. But the wording of the proclamations was not perfectly clear in its meaning, and, therefore, on reading them it has led to doubt. From the reply of the viceroy no chin has been levied on goods covered by transit passes. The yamên will, as a matter of course, address the viceroy at Canton to again issue strenuous instructions to observe (!) the treaties.

Mr. Denby to Mr. Blaine.

No. 1514.] LEGATION OF THE UNITED STATES,
Peking, April 12, 1892. (Received May 27.)

SIR: I have the honor to inclose a copy of a communication sent by me to the foreign office on the subject of the "Hunan publications," wherein I urgently request that the circulation of these publications be suppressed. Strenuous efforts have heretofore been made by the diplomatic body to secure this result, but as I have received lately several petitions from American citizens to press this subject, I judge best to send to the foreign office the inclosed communication.

I have, etc.,

CHARLES DENBY.

[Inclosure with No. 1514.]

Mr. Denby to the tsung-li yamên.

LEGATION OF THE UNITED STATES,
Peking, April 12, 1892.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I have the honor to inform your highness and your excellencies that I am in receipt of divers petitions signed by Americans and others, asking me to request your highness and your excellencies to take active steps for the suppression of what are generally called the "Hunan publications." A very general belief prevails among foreigners in China that publications of this nature were last year influential causes of riots, and it is feared that if they are now permitted to circulate freely among the people like disorders will ensue during the present spring. The papers and placards complained of are in no sense a fair or proper argument against Christianity, but are obscene libels charging foreigners with every species of crime and immorality and are directly calculated and intended to produce antiforeign riots. Their plain purpose to accomplish this end is set out in language which advises murder, arson, and outrage. No government in

the world would fail to take the most urgent measures to restrain the flow of vile obscenity embodied in these publications. It is well known that the recent riots were preceded by the circulation of these publications; that the names of the authors and circulators thereof are, in some cases, known; that these persons are not a secret society, but act publicly; and that while the local officials have shown great energy in arresting and punishing the members of the Kolao Hhui, but little has been done in punishing the persons who have circulated these publications. The question of preventing riots and public disorders is as important to the Chinese Government as it is to foreigners, but in a different sense. For the foreigner, his life and property are involved. For himself protection is, as to all other persons, the supreme law of nature. Riots involve the Chinese Government in great expense, weaken its just authority, and bring it into disrepute among foreign nations. I am persuaded that your highness and your excellencies desire that peace and tranquillity shall prevail in China as earnestly as I, myself, do. I beg, therefore, that active measures be taken to suppress one of the chief causes of disorder; that is to say, the libelous publications above referred to.

Mr. Denby to Mr. Blaine.

No. 1515.] LEGATION OF THE UNITED STATES,
Peking, April 13, 1892. (Received May 27.)

SIR: The missionary associations engaged in work in China have long recognized the necessity of establishing schools for the young in which natives should be educated who might become in their turn teachers and preachers. As to the range of the education to be provided there has been a difference of opinion. Some missionaries have contended that money donated for religious work should not be used for educational work except of the lowest and most necessary grade.

Others have contended that in a country like China, whose people hold education in such high esteem, the very best advantages should be afforded to the youths who are to be prepared to be able to influence their countrymen.

Influenced by these latter ideas the ordinary school in some places has developed into the college. This has notably been the case at Tungcho, 14 miles from Peking, where the American board established in 1872 a common school, which is now about to take rank as a college, and which deserves by its thoroughness and advanced grades of study this new distinction. The most notable departure in this line is, however, the establishment of the Peking University by the Methodist mission. The institution was fully organized the 2d day of December, 1891. The board of managers met at this legation that day and adopted all the rules and regulations required to organize the practical working of the university. Among the members of the board of managers are to be found Mr. J. H. Ferguson, minister of the Netherlands; Sir Robert Hart, inspector-general of imperial maritime customs; Dr. W. A. P. Martin, president of the Tungwen College; Mr. John Rhein, interpreter of the Netherlands legation; Dr. Henry Blodgett, the oldest missionary now here; many other missionaries, both English and American; some other gentlemen, and myself.

The managers represent the best intellect among the foreigners in China. The design is to furnish to the students all the branches of an elevated collegiate course. A very large plot of ground almost adjoining the premises of the Methodist mission has been purchased from the Italian legation, and suitable buildings are now being erected with great rapidity. The president of the university, who is *ex officio* president of the board of managers, is Rev. L. W. Pilcher. The vice-presidents of the board of managers are Dr. W. A. P. Martin, Rev. Henry

Blodgett, D. D., and myself. The institution is designed to be as little sectarian as possible. From the members of the faculty the only declaration required is that they hold to the doctrines of the scripture as set forth in the Apostles' Creed, and that they will teach nothing contrary thereto. All the bishops of the Methodist Church who have visited Peking have enthusiastically indorsed the plan of a university. The board at home has approved it. A charter has been granted by the State of New York.

I do not doubt that the institution will be successful in its main object of securing for China a highly educated native ministry.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1516.] LEGATION OF THE UNITED STATES,
Peking, April 15, 1892. (Received May 27.)

SIR: I have the honor to inclose herewith a translation of the dispatch of Kung, intendant of circuit, embodying the reply of the viceroy of Hupei and Hunan to the protest of the consuls at Hankow in matters relating to the failure of the officials at Hukuang to carry out the injunctions contained in the imperial decree of June 13, 1891. After reciting the contents of the protest of the consuls, the viceroy states that the posting of anonymous placards is prohibited in China, and that he has issued proclamations against this practice. He insists that the missionaries should refuse to receive foundlings in their asylums. He claims that it is for China to regulate punishment for offenses by its people against its laws.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1516.—Translation.]

Kung, taotai of Hankow, to Mr. Andrews.

Upon the February 21, 1892, the taotai received a communication from his excellency Chang, governor-general, stating that he had received a joint note from the consuls, acting consuls, vice-consuls, and acting vice-consuls, representing the various foreign powers at Hankow, wherein they referred to the fact that the Chinese authorities of Hukuang had not exerted themselves to respect and carry into effect the stringent prohibitory injunctions set forth in the imperial decree of the 13th June, 1891, against the posting of anonymous placards, which the consular body regarded with great dissatisfaction. They had heard that in spite of the imperial edict, and in spite of the orders given by the yamên, a dissemination not only in secret but entirely openly is being made by evil-doers to excite Chinese to exterminate Christians and to ruin the Christian religion. It is known, moreover, that placards have been posted on the walls of various cities, especially in Hunan. Further, that several thousand copies of a pamphlet called "Kwei-chiao Kai sze" (Death to the Devil's Religion) have been printed in the capital of Hunan. The consul's protest against the weakness of the provincial authorities in making the edict of His Imperial Majesty respected, and request the viceroy to take in future such measures as they may deem expedient to put a stop to these hostile disseminations. They also believe that these pamphlets and placards are not the work of simple men, but of educated persons holding official positions, and that it is absolutely necessary that the guilty parties of all ranks should be punished in an exemplary manner. They further inform the viceroy that they deem it their duty to bring the above protest to the notice of the different representatives of the foreign powers at the court of Peking.

The viceroy observes that the laws of China prohibit most strenuously the posting of anonymous placards. He has at various times issued proclamations against the practice, and has embodied in them the imperial decree of June 13, 1891, and issued instructions that it be duly respected and vigorous prohibitory measures be taken in the premises, all of which is a matter of record. Excepting the recent case of the pawn shop in the district of Huang Pi, province of Kupeh, where the parties were arrested and punished, the viceroy has not heard of any cases of the posting of placards. According to a communication from Mr. Consul Gardner 800,000 copies of the pamphlet "Death to the Devil's Religion" have been printed in Hunan. The viceroy at once communicated with the governor of Hunan to instruct the officials to take stringent measures to prohibit their circulation and punish the guilty parties. It is evidently clear that those guilty will necessarily be punished. The foreign merchants and missionaries have only to continue as heretofore to carry on their business and peacefully propagate their religion. The missionaries, however, should respect the viceroy's proclamation, and for the present not receive foundlings in their asylums, and thus further trouble will naturally be avoided and the advantage of due protection called for by treaty be accomplished. As to how vigorous prohibitory measures should be taken and punishment inflicted, these are matters with which the Chinese local officials themselves have authority to deal. The viceroy instructs the customs taotai to communicate the above to the foreign consuls.

Mr. Blaine to Mr. Denby.

No. 725.] DEPARTMENT OF STATE,
Washington, May 17, 1892.

SIR: I transmit for your information a copy of a letter from the acting Secretary of the Treasury and of the circular relating to the exclusion of Chinese, to which it refers. Copies will be sent to our consuls in China.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 725.]

Mr. Spaulding to Mr. Blaine.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 15, 1892.

SIR: I have the honor to inclose herewith copies of circular No. 69 of this Department, dated the 7th instant, relating to the exclusion of Chinese, to which is appended the act approved May 5, 1892, prohibiting the coming of Chinese persons into the United States, and previous acts of Congress now in force relating to the subject.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

[Inclosure to inclosure in No. 725.]

CIRCULAR.

Exclusion of Chinese.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., May 7, 1892.

To Collectors and other Officers of the Customs:

The act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States," and continuing in force for a period of ten years

from said date all laws then in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent, is printed below for the information and guidance of collectors of customs, collectors of internal revenue, Chinese inspectors, and all other persons concerned.

The several acts of Congress upon the subject referred to in said act approved May 5, 1892, are also appended for general information.

The act approved September 13, 1888, being dependent upon the ratification of the then pending treaty with China, which treaty was not ratified, is omitted.

The instructions heretofore prescribed for the guidance of officers whose duty it is to enforce these laws will continue to be observed.

Regulations will be hereafter prescribed as to the certificates which are to be issued within one year from the date of the passage of the act approved May 5, 1892, to Chinese laborers now within the limits of the United States, and to Chinese persons other than laborers having a right to be and remain in the United States, and who may desire to obtain such certificates as evidence of such right.

CHARLES FOSTER,
Secretary.

[PUBLIC—No. 50.]

AN ACT to prohibit the coming of Chinese persons into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided,* That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.

SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court. And

any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and rereive the same without charge.

SEC. 7. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants. Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

SEC. 9. The Secretary of the Treasury may authorize the payment of such compensation in the nature of fees to the collectors of internal revenue, for services performed under the provisions of this act, in addition to salaries now allowed by law, as he shall deem necessary, not exceeding the sum of one dollar for each certificate issued.

Approved, May 5, 1892.

AN ACT to execute certain treaty stipulations relating to Chinese.

Whereas, in the opinion of the Government of the United States, the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or having so come after the expiration of said ninety days, to remain within the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*, That all Chinese laborers brought on such vessel shall depart with the vessel on leaving port.

*[SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and in order to furnish them with the proper evidence of their right to go from and come to the United States of their free will and accord, as provided by the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books to be kept for that purpose, in which shall be stated

the name, age, occupation, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to, and shall receive, free of any charge or cost upon application therefor, from the collector or his deputy, at the time such a list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the name, age, occupation, last place of residence, personal description, and facts of identificaton of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese laborer after having received such certificate shall leave such vessel before her departure he shall deliver his certificate to the master of the vessel, and if such Chinese laborer shall fail to return to such vessel before her departure from port the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter; and upon delivery of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly canceled.]

*[SEC. 5. That any Chinese laborer mentioned in section four of this act being in the United States, and desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this act to be issued to such Chinese laborers as may desire to leave the United States by water; and it is hereby made the duty of the collector of customs of the district next adjoining the foreign country to which said Chinese laborer desires to go to issue such certificate, free of charge or cost, upon application by such Chinese laborer, and to enter the same upon registry-books to be kept by him for the purpose, as provided for in section four of this act.]

SEC. 6. That in order to the faithful execution of articles one and two of the treaty in this act before mentioned, every Chinese person other than a laborer who may be entitled by said treaty and this act to come within the United States, and who shall be about to come to the United States, shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced by a certificate issued under the authority of said Government, which certificate shall be in the English language or (if not in the English language) accompanied by a translation into English, stating such right to come, and which certificate shall state the name, title, or official rank (if any), the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued and that such person is entitled conformably to the treaty in this act mentioned to come within the United States. Such certificate shall be prima-facie evidence of the fact set forth therein, and shall be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person named therein shall arrive.

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or fasely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such lists shall show the names of such passengers (and if accredited officers of the Chinese Government traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars, as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any willful refusal or neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

* See act approved October 1, 1888, which prohibits the issuance of certificates of identity of Chinese laborers and declares void such certificates theretofore issued.

SEC. 9. That before any Chinese passengers are landed from any such vessel, the collector or his deputy shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall knowingly aid or abet the same, or aid or abet the landing in the United States from any vessel of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, by direction of the President of the United States, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 15. That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Approved, May 6, 1882.

AN ACT to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese" approved May sixth, eighteen hundred and eighty-two."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, is hereby amended so as to read as follows:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; therefore

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States."

Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Section three of said act is hereby amended so as to read as follows:

"SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the

United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*, That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."

Section four of said act is hereby amended so as to read as follows:

*["SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said act and the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer, and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry books, to be kept for that purpose in which shall be stated the individual, family, and tribal name in full, the age, occupation, when and where followed, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to and shall receive, free of any charge or cost upon application therefor, from the collector or his deputy, in the name of said collector and attested by said collector's seal of office, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese laborer, after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese laborer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter, and said certificate shall be the only evidence permissible to establish his right of re-entry; and upon delivering of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States, said collector shall cause the same to be filed in the custom-house and duly canceled."]

Section six of said act is hereby amended so as to read as follows:

"SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act, to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any; the age, height, and all physical peculiarities; former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued; and that such person is entitled by this act to come within the United States. If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word "merchant," hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation. If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired. The certificate provided for in this act, and the identity of the person named therein, shall, before such person goes on board any vessel to proceed to the United States, be vised by the indorsement of the diplomatic representatives of the United

*See act approved October 1, 1888, which prohibits the issuance of certificates of identity of Chinese laborers and declares void such certificates theretofore issued.

States in the foreign country from which said certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue, it shall be his duty to refuse to indorse the same. Such certificate vised as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district of the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."

Section eight of said act is hereby amended so as to read as follows:

"SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign government, traveling on the business of that government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any refusal or wilful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo."

Section ten of said act is hereby amended so as to read as follows:

"SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found."

Section eleven of said act is hereby amended so as to read as follows:

"SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars and imprisoned for a term not exceeding one year."

Section twelve of said act is hereby amended so as to read as follows:

"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers. And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."

Section thirteen of said act is hereby amended so as to read as follows:

"SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons."

Section fifteen of said act is hereby amended so as to read as follows:

"SEC. 15. That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power; and the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."

SEC. 16. That any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

SEC. 17. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

Approved, July 5, 1884.

AN ACT a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the sixth day of May, eighteen hundred and eighty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

SEC. 2. That no certificates of identity provided for in the fourth and fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof is hereby declared void and of no effect, and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

SEC. 3. That all the duties prescribed, liabilities, penalties, and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and twelfth sections of the act to which this is a supplement are hereby extended and made applicable to the provisions of this act.

SEC. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed.

Approved, October 1, 1888.

Mr. Denby to Mr. Blaine.

No. 1534.] LEGATION OF THE UNITED STATES,
Peking, May 18, 1892. (Received June 28.)

SIR: I have the honor to inclose herewith a copy of a dispatch sent by me to Consul-General Leonard, on the subject of his jurisdiction to try an American citizen, James A. Frame, on a charge of murder, for a homicide committed at Shanghai. The facts and conclusions of law are fully set out in the inclosure. As there may be some delay in the action of the consul-general, I would be glad to know whether the Department agrees with my opinion.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1534.]

Mr. Denby to Mr. Leonard.

No. 241.] LEGATION OF THE THE UNITED STATES,
Peking, May 18, 1892.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 106 of May 10, 1892.

You therein inform me that James A. Frame, an American citizen, did, on the 1st instant, at Shanghai, shoot and kill George Lemon, an American citizen.

At the time of the killing Frame was the jailor of the American consulate, and was acting as deputy marshal. You set out the verdict of the jury at the inquest held on the body of the deceased. You proceed to state that doubts have arisen in your mind whether the case is triable by the minister or the consul-general. You quote section 4109, 2 R. S. U. S., 2d ed., 1878, which provides: "That in cases where a consular officer is interested, either as party or witness, such minister shall have original jurisdiction." You express the opinion that the words "consular officer" are applicable to Mr. Frame, and define his status, and are to be held as ousting you of jurisdiction and conferring it on the minister. You further state that the deceased is said to have applied vile epithets to the officers of the consulate-general, and that these utterances will probably be brought out in evidence. You suggest that you might be "biased" by such language, and that you are disqualified to try the case as judge.

I have uniformly refused to give any opinion on the merits of any case which might be tried before me on appeal in advance of the submission of such case to me after the trial thereby and in due course of procedure. If there were, in my view of the questions presented by you, any possibility that the accused could suffer any injury by my giving to you advice on the technicalities suggested should such advice prove to be erroneous, I would, undoubtedly, withhold any advice whatever, and leave you acting judicially to decide on questions as they arise in the case without the shadow of any interference by me, as is your undoubted right so to do. But it is difficult to to see how Frame can be injured by your retaining jurisdiction. If he is convicted of a capital crime the law (sec. 4102, R. S. U. S., 2d ed., 1878) requires that the minister shall approve the conviction. I should certainly not approve a conviction in a case in which I thought a trial court had no jurisdiction. If he is convicted of a less offense and sentenced to imprisonment only he has his remedy by habeas corpus, if there were no jurisdiction. Nor can he be injured by the proof of the language uttered by the deceased embodying abuse of the officers of the consulate. Such utterances might injure the prosecution, but certainly would not injure the defense.

Having undertaken to show that no possible harm can befall Mr. Frame by my advising you that you have jurisdiction, I now proceed to state the grounds of my opinion on the facts stated by you, that you alone can try the accused. I give such opinion from a sense of duty, because as nobody else can legally hear and determine the cause, if you decline to do so there may be a failure of justice.

If on the trial proof were made of the occupation of the defendant and such proof caused you to decide that you had no jurisdiction and that you discharged him, he would go forever acquit if your decision were erroneous, because he would have been once in jeopardy.

The plain and simple answer to your doubts as to jurisdiction is that the words "consular officer" used in section 4109, above quoted, mean a consul, and not the employés or subordinate officials of the consulate.

Webster's definition of the word "consular" is "pertaining to consul, as consular power, consular dignity, or privileges." A jailor or marshal can not be said to pertain to a consul. The offices of jailor and marshal are distinct and separate from the office of consul. The holders of them do not pertain to the consul any more than the interpreter or the Chinese writer do. The consul is charged by law with the duty of hearing and determining all cases. He is relieved from this duty only when he is a party to the action or an interested witness in the cause. As a man ought not to be allowed to decide cases in which he is personally interested, *ex necessitate*, some other official must hear such cases. This is the reason of the law. There is no reason why a consul should not hear causes in which his subordinates are interested. It is to be noticed that in the United States practice there is no change of judges allowed on account of bias. In the State courts there is. The Government can never object to bias of the judge even in the State courts. It does not at all matter in considering the question of jurisdiction how much a judge is biased against the Government. The defendant is not hurt by such bias. He can not, therefore, complain of it, and the Government has no remedy against its effects, whatever they may be.

As I look at sections 4102 and 4106, R. S. U. S., 1878, 2d ed., it seems to me that capital punishment can not be inflicted on an American in China unless six men concur in the judgment. Four citizens are to sit on the trial with the consul, who shall himself render the judgment, the assessors concurring. Then the minister must approve the sentence.

I have thus given you my opinion in the interest of justice, but without prejudice to the accused. Should you become convinced that you have no jurisdiction, care should be taken that such decision be announced before the impaneling of the assessors, who act in China as jurors. The accused should be kept in jail or released on bond, as you may decide, until some arrangement can be made for his trial. I am thoroughly satisfied that I have no jurisdiction to try him, but I am not infallible. It may be that discussion of the question, with the aid of legal opinions from Wash-

ington, may change my views. Please understand that while I give you my opinion I do not expect you to act upon it unless it, upon reflection, satisfies your mind that you have jurisdiction. You are charged with the responsibility of life and death, the heaviest that ever rests on any judge. A serious doubt as to jurisdiction should certainly prevent any judge from awarding capital punishment. You can throw the ultimate responsibility on me, but if the serious doubt remains in your mind subsequent regret and possibly self-reproach will not be prevented by my decision.

Entertaining such a view the case should be continued and should be referred to the State Department. While the Department has no right to control you when acting judicially, still it is likely that its carefully prepared argument would settle the point one way or the other and relieve you from all doubt.

I am, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1535.] LEGATION OF THE UNITED STATES,
Peking, May 23, 1892. (Received June 28.)

SIR: I have the honor to inclose herewith a translation of a decree which was issued by the Emperor the 21st instant. This decree may be taken in some sense as an answer to my late request that strenuous action be taken with regard to the "Hu-Nan publications," a copy whereof was inclosed in my dispatch No. 1514 of April 12. It will be seen that the Taotai Chou Han who was supposed to be chief circulator of the "Hu-Nan publications" has been degraded. He is to be sent to his native place and kept under surveillance.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1535.—Translation.]

Imperial decree of May 21, 1892.

Sometime since Chang Chih Tung and others memorialized the throne that they had investigated the case of the Hu-Nan publications and the counterfeiting of official documents.

At the time we instructed the yamên of foreign affairs to consider the matter and report to us. The yamên has now requested us to take action in accordance with the suggestion of the memorialists. In this case, although the Taotai Chou Han did not publish and circulate the placards or counterfeit official documents, still he is an officer, and his words were false and exaggerated like those of an insane person, and rowdies used his name as an excuse to circulate stories that were calculated to excite the feelings of the people. He is decidedly guilty of an offense that can not be overlooked. Let Chou Han, an expectant taotai of the province of Shensi be at once degraded. He is to be sent to his native place and the local officials are to keep him under surveillance and not allow him to go away and cause trouble. Regarding other matters presented in the memorial, let action be taken as decided on by the memorialist. Let the proper board take note.

Mr. Denby to Mr. Blaine.

No. 1537.] LEGATION OF THE UNITED STATES,
Peking, May 28, 1892. (Received July 14.)

SIR: I have the honor to inclose a clipping from the North China News, of the 21st instant, giving an account of two antiforeign riots,

which have lately occurred in the province of Fukien. I have not received official notice of the occurrence of these riots and forbear comment thereon until such notice shall reach me.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1537.]

The troubles in Fukien.

[From the North China News.]

The following account of these outrages is taken from an extra published by the Foochow Daily Echo on Monday last:

On Wednesday, April 27, the house occupied by the missionaries of the Church of England Zenana Society in Chingho City was attacked by a mob, assembled by the leading literary man in the place. After having been exposed to the insults of the mob for three hours, the ladies, Miss Johnson and Miss B. Newcombe, were rescued by the mandarin and taken in chairs to the yamên. The house was not a quarter of a mile from the yamên and the mandarin had to be summoned three times before he took any notice of the matter, and finally only came after a cry had been raised that one of the ladies had been killed by the mob. The Emperor's proclamation, which was hanging in front of the house, was broken to pieces and burned by the mob, who subsequently wrecked the house. The mandarin at first promised the ladies protection until they could communicate with their friends, but on the following day so fierce a crowd gathered in front of the yamên that he insisted on the ladies leaving the town as quickly as possible. Evidence is not wanting that points to the complicity of the mandarin in the riot.

The ladies almost miraculously escaped without serious bodily harm. Had it not been for the bravery and devotion of the teacher, Mr. Sick, who repeatedly summoned the mandarin and exerted himself to the utmost to protect them, they might have fared much worse.

On May 11 the little mission hospital and dispensary in a suburb of Kienning City was attacked and completely wrecked by a mob of hired ruffians in the pay of the leading literary man of that city, Chio Chie-puoi. Dr. Rigg, who was on the premmises, narrowly escaped a horrible death. The patients, students, and others in the building escaped by the back door, Dr. Rigg being the last to leave, remaining until he was dragged out by one of the four soldiers sent by the local mandarin to protect the place. Escaping through the garden, the doctor was compelled to climb two fences amid a shower of bricks, stones, and heavy lumps of wood. In the road the mob seized him, threw him down repeatedly, and struck him with their fists, and on reaching some large vats for liquid manure, attempted to throw their victim into one. Happily, the doctor's grasp of one of his assailants was so firm that they found it impossible to throw him in alone, and desisted for a moment, when by a desperate struggle he got up on his feet and regained the road. The cowards still pursued him, taking his watch and chain, and tearing his clothes off his back in the hope of finding money. One brave native Christian from Kuchêng, who throughout the whole struggle stood by the doctor and attempted to shield him, was severely beaten and actually thrown into one of the manure pits. Dr. Rigg made his escape to Nangwa, meeting on the road a former patient, who, seeing that he had no hat or umbrella, lent him his own, and finding on inquiry that he had no money gave him 50 cash to get his breakfast, an act eloquent of the true feeling of the poor natives, among whom Dr. Rigg has worked so patiently for the last three years. After wrecking the hospital the mob partially destroyed the houses of four other men connected in various ways with the hospital, and stole the clothes and tools of seventeen workmen who were engaged in building a new hospital.

The Emperor's proclamation had been for months on view in the hospital, and the mandarins were well aware of the approaching riot, but are powerless to oppose the *literati*. It is high time that something was done to let these gentry feel the strength of the arm of the law, and we have no doubt the vigorous measures already undertaken by Her Majesty's consul in Foochow will have the desired effect.

At the time of writing Dr. Rigg, although severely bruised and shaken, is slowly recovering from the effects of the treatment received from the mob, and is able to go about his work as asual. Great admiration is expressed by all who know the circumstances, for the pluck and coolness with which he faced the crowd, and for his calmness throughout, for he never once lost his presence of mind during the long assault.

All the native students, etc., have also come into Nangwa unhurt, though with the loss of everything they possessed. Some had hairbreadth escapes from the mob. Dr. Rigg rejoices in having been able to draw off the mob from the Christians, who would otherwise have been very severely dealt with.

The teacher Siek, whose bravery saved the two ladies at Chingho, is in immediate danger; not long ago he professed Christianity very boldly and openly, and now he and all others who have been teaching foreigners the language have been summoned to Kienning City to stand their trial before the other literary men. If treaty rights afford protection to those who are in the employ of foreigners, we hope every effort will be made to save his life, and that of the only other Christian among them.

It is now known that before undertaking the riot at Chingho, the headman of the *literati* traveled to Kienning, and asked the advice of Chio Chie-puoi as to whether he should raise a riot, and received assurance of support and a promise that the destruction of the house in Chingho should be followed by the pulling down of the hospital at Kienning.

Mere compensation in money is not enough to make such a man as Chio Chie-puoi feel the results of his action. The only thing which would be really effectual would be to deprive him of his degree. Such a course can only be taken, we hear, by the Peking authorities, as he is a third-degree man, and as such beyond the control of local officials. Will the Chinese authorities wait (or be allowed to wait) until another missionary is killed before carrying out the treaty provisions and practically enforcing them on those who rebel against them?

Mr. Denby to Mr. Blaine.

No. 1539.] LEGATION OF THE UNITED STATES,
Peking, June 4, 1892. (Received July 14.)

SIR: I have the honor to inform you that on the 26th day of May, last, I received from the tsung-li yamên a very long report relating to the case of Chou Han, who was accused of publishing antiforeign pamphlets and placards in Hunan. The imperial decree touching this case appeared in the Peking Gazette, the 21st ultimo, and a translation thereof was forwarded to you inclosed in my dispatch No. 1535 of May 23.

The following is an abstract of the report above mentioned:

The prince and minister received from the grand council, on the 11th ultimo, a copy of the report from the Viceroy Chang Chi Tung of the investigation of commissioners into the question of the publication of placards in Hunan, and the counterfeiting of public dispatches. The inquiry developed the fact that Chou Han suffered from a disease of the mind akin to madness. The testimony before the commission showed that Chou Han had been an expectant taotai; that he had distinguished himself in the wars and was promoted to be a taotai, and was employed in Shensi, which province he left and went to Hunan. He has lately suffered from a brain disorder which causes him to have hallucinations, and in the paroxysms of his illness his utterances have been those of a madman. He did not publish any placards nor circulate any. Full testimony on this point was had.

Stringent search was made for the blocks on which the placards were printed, and twenty-five boards for thirty-one pictures and placards were seized. These had already been defaced. Two publishers were arrested, but they refused to confess, though torture was applied to them. Chou Han is still insane. He believes in spirits, and practices divination. Nevertheless some punishment should be meted out to him. The two publishers should be punished with eighty blows of the bamboo, and made to wear the cangue, or wooden collar, for the period of three months. The printing establishment has been closed. Stringent instructions have been given to arrest and punish all persons who spread false rumors or circulate placards calculated to excite the minds of the people. Chou Han should be stripped of his rank and be kept under surveillance at his native place. If his hallucinations increase and he still causes trouble, he should be exemplarily punished.

The imperial decree above referred to has executed the recommendations of the commissioners. I have to remark that the treatment of Chou Han, as viewed by foreigners, is lenient. Much faith is not put

in the plea of insanity, which in China constitutes no defense to punishment of crime.

The acquittal of Chou Han of the charge of circulating vile placards is surprising in view of the notoriety that he has attained. It is believed that the Imperial Government did not punish him severely, for fear of trouble in Hunan. Still, the disposition of the case is calculated to deter others from committing like crimes, and is a concession to foreign wishes.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1540.] LEGATION OF THE UNITED STATES,
Peking, June 6, 1892. (Received July 14.)

SIR: As the Presbyterian Mission at Chinanfu has for some years been a source of peculiar interest to the Department and this legation, I have the honor to report now that the affairs thereof have been for several months most happily and peacefully conducted.

The missionaries have nearly completed their hospital, which is located on the newly acquired ground. They propose to throw the building open to all visitors and to entertain all comers for three days.

The taotai and local officials have been prompt to settle a dispute which arose over the right of way. Rev. Gilbert Reid has earnestly requested that the thanks of this legation to the officials be transmitted through the foreign office. I have complied with his request.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1542.] LEGATION OF THE UNITED STATES,
Peking, June 17, 1892. (Received July 23.)

SIR: I have the honor to inclose the translation of a communication received from the foreign office the 13th instant, relating to the Chinese exclusion legislation of Congress, and a copy of my reply thereto.

As requested, I wired you the 17th instant as follows:

Foreign office desires to know if President approved act continuing restriction of Chinese ten years.

The communication of the foreign office evidently refers primarily to the Geary bill. I learn from the newspapers that a conference committee of the two Houses of Congress substituted a Senate bill for the Geary bill, but whether this substitute has become a law I do not know.

I request that a copy of all recent acts affecting the question of Chinese immigration be sent to me.

I have, etc.,

CHARLES DENBY.

[Inclosure 1 in No. 1542.]

The tsung-li yamên to Mr. Denby.

FOREIGN OFFICE,
Peking, June 13, 1892.

Upon the 10th June, instant, the prince and ministers had the honor to receive from his excellency Tsui, Chinese minister at Washington, a copy of a restriction act against Chinese, presented in the House of Representatives on (the 8th day, third moon, present year of Kuang Hsü) the 4th of April, 1892, consisting of fourteen articles, the provisions of which are extreme in their rigor and very injurious to the good name of the United States Government.

The provisions of article 14 are to effect that if the provisions of existing treaties between China and the United States are in the least at variance with the terms of the bill, they are to be entirely abrogated. The yamên can not but regard the bill in a strange and frightful light.

Friendly relations have existed between China and the United States for several tens of years, but the action now taken by the representatives of Congress in the matter of the restriction of Chinese laborers evinces a desire to destroy and set aside the provisions of the treaties that have existed during these years.

In the Senate a bill has been discussed providing for the continuance of the act of 1888 for a period of ten years. These bills have been published and are universally known far and near.

The prince and ministers do not know whether the President, in perusing these bills, which are in violation of and abrogate the treaties, will approve of them or not. If the treaties of friendship of several tens of years standing are to be abrogated instantly, then such action would be decidedly at variance with the original intent and purpose of the United States Government when it negotiated the treaties with China.

The treaties between the United States and China all originated at the instance of the former Government. The yamên two years ago argued and discussed the question of the restriction of Chinese laborers, and clearly and minutely set forth the views entertained, in a communication addressed to the United States minister.

The prince and ministers have the honor to now request his excellency the minister of the United States to be good enough to dispatch a telegram inquiring of the Secretary of State whether the bill discussed in Congress, in violation of treaty, continuing the restriction of Chinese for a further period of ten years, has received the approval and signature of the President or not, and to send a reply at an early date, and oblige.

A necessary communication addressed to his excellency Charles Denby, etc.

[Inclosure 2 in No. 1542.]

Mr. Denby to the tsung-li yamên.

LEGATION OF THE UNITED STATES,
Peking, June 17, 1892.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I have the honor to acknowledge the receipt of the communication of your highness and your excellencies of the 13th instant.

Your highness and your excellencies request me to wire to the honorable Secretary of State of the United States, to ascertain whether his excellency the President has approved of "the bill discussed in Congress * * * continuing the restriction of Chinese for a further period of ten years."

I have, as requested, sent a telegram to that effect to the honorable Secretary of State, and will transmit the substance of the answer thereto to your highness and your excellencies when it is received.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1544.] LEGATION OF THE UNITED STATES,
Peking, June 20, 1892. (Received August 9.)

SIR: In my dispatch No. 1542 of June 17, I transmitted to you copies of a correspondence between the foreign office and myself touching the question whether the President had approved the recent act of Congress relating to Chinese restriction. Having received your cablegram of June 17, of which I acknowledged the receipt in my dispatch No. 1543 of June 19, I sent this day to the foreign office a communication of which a copy is herewith inclosed. I shall await your instructions of the 17th ultimo before taking any further action.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1544.]

Mr. Denby to the tsung-li Yamên.

LEGATION OF THE UNITED STATES,
Peking, June 20, 1892.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I have the honor to inform your highness and your excellencies that the honorable Secretary of State has informed me by cablegram that the President has approved the recent Chinese restriction law which was enacted by Congress, extending existing legislation ten years.

An official copy of this law was mailed to me on the 17th ultimo, but has not yet reached me. I will transmit a copy thereof to your highness and your excellencies as soon as one reaches me. In advance of the receipt of an official copy it would serve no good purpose to set out in detail the provisions of this law, but judging from newspaper copies that I have seen thereof it is safe to say that it simply extends existing laws for the period of ten years, and provides some additional safeguards for their execution.

It does not apply to any class of Chinese subjects except laborers.

I have, etc.

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

No. 1546.] LEGATION OF THE UNITED STATES,
Peking, June 28, 1892. (Received August 9.)

SIR: In my dispatch No. 1535 of May 23, I forwarded to you an abstract of the report of the foreign office to the throne in the case of Chou Han.

I have now the honor to inclose a printed translation of the said report, together with a translation of the Imperial decree rendered thereon.

This report is worth preserving, because it contains the distinct admission "That the preaching of Christianity is permitted by treaty" and "that if there be anything improper or against treaty in the missions, it should be reported to the authorities for joint action, and that baseless reports should not be spread," and these statements are approved by the throne.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1546.]

Printed translation of the report of the foreign office to the throne in the case of Chou Han.

CHOU HAN CASHIERED.—A DECREE.

The Tsung-li Yamên has been desired to report on a memorial concerning the case of issuing placards and forging official documents in Hu-Nan. The yamên recommends that the proposals of Chang-chih-tung be adopted. Although Chou Han has not issued placards or forged official documents, still he, an official in the Government service, by his wild language and insane conduct has enabled ill-disposed persons to make use of his name and excite the public by fabricated stories. He therefore can not be held guiltless. Let expectant Taotai Chou Han be cashiered forthwith. Let him further be compelled to return to his home and be kept under the strict supervision of the local authorities, who will not allow him to go abroad or cause trouble. The remainder of the memorial is approved.

INVESTIGATION OF CHOU HAN'S CASE.

MAY 28 AND 29.

The governor-general, Chang Chih-tung and governor of Hu-Nan report that they have investigated the charges made against Chou Han of issuing libelous placards and forging official documents. In the first instance a dispatch was addressed to them by the Tsung-li Yamên which mentioned the offense which had been committed against the laws of the country, the manifest desire to cause disorder, the horrible indecency of the songs and pictures in question, and their dangerous effect in stirring up the people to commit outrages. Both in the interests of international comity and as a matter of internal administration, it was necessary that the offenders should be sternly dealt with. Later telegrams from the same department indicated Chou Han and three booksellers at Changsha as the issuers of large numbers of these placards, and dwelt on the fact that the late riots were all caused by the dissemination of false reports. The matter has already been put into the hands of the Hu-Nan chief justice when a further telegram in March was received from the yamên urging promptness. The governor-general then, through the yamên, obtained the Emperor's permission to send the Hupeh Grain Taotai to join the chief justice in dealing with the affair. These two officers have now presented their report.

Under their orders the prefect of Changsha ascertained that Chou Han was a taotai on the Shensi staff, promoted on account of military service. He had belonged to Ninghsiang Hsien, but was often in Changsha, where he published virtuous books under the name of "The Hall of Precious Goodness." The three men mentioned by the yamên, Cheng Mou-Hua, Tseng Yu-wen, and Chen Chu-tê, all kept print shops, but Tseng Yu-wen died during the past year. Chen mou-hua, on being interpreted, said that he knew Chou Han. The latter had never been his partner, but had stayed with him a few days last year; at times his talk was very wild, and he was like a madman. Deponent had heard that the blocks for his books were cut by Tseng Yu-wen and Chen Chutê. The last mentioned was then examined. He had cut blocks for Chou Han for good books, such as "The Successful Rearing of Foundlings" and others similar. The printing was done by the purchaser. There were many workmen in his shop; they knew nothing of books; they did the work brought to them and took the money without inquiring anything about the customer. Deponent could not remember if any of them had cut blocks for the books and pictures of the authorship of which Chou Han was accused. Finally a man from Tseng Yu-wen's shop was questioned. He said that his master had cut blocks for Chou Han. They were for good books. He could not remember if any of them were abusive of foreign religions. When his master died the shop was closed and the workmen dispersed.

In the meantime, the two commissioners had sent deputies to Ninghsiang to find Chou Han and bring him to Changsha. They returned with the information that Chou Han had come back to his home eight years ago, but he soon afterwards went off with his wife and children, and had not been there again. They brought with them, however, some of his relations and neighbors. The evidence of these witnesses was to the effect that Chou Han had not been at home for six or seven years; but of late he had been subject to temporary illnesses, which had an effect on his brain. He talked nonsense, and had spiritualistic fancies, being a great believer in divination by the planchette. He had never believed in foreign religions, but he did not publish songs and placards. They thought that both in this matter and in the forging of public dispatches, designing persons must have made use of his name as that of a person in high position in order to attract more attention. The commissioners, though they failed to ascertain who was the writer of the placards, felt

it their duty at any rate to secure the destruction of the blocks. Rewards were therefore offered to anyone who would bring them in, and a promise given that the bearers of them should not be punished. By this means thirty-one blocks were secured, many of them much defaced, evidently by people who feared they might get into trouble by possessing them.

The witnesses from Ninghsiang were then reëxamined, but their evidence was to the same effect as already stated. Then the printer, Ch'en Chu-tê, was summoned again. He declared that his shop was one of long standing. He had many workmer and many customers. In the accounts a customer's surname alone would be entered, or very likely work would be ordered through a third party; and so nothing could be traced by looking at the account books. He really could not say whether some of the workmen in the shop had cut blocks for any of the books mentioned. If so, the order had been taken without his, the proprietor's, knowledge. The other printer, Cheng-Mou hua, persisted in denying that he had executed work for Chou Han, but spoke again of his fits of madness.

The commissioners, being aware of the gravity of the case, were determined to spare no trouble, and therefore had private inquiries made by the local authorities. It was established beyond doubt that Chou Han had gone away from Changsha; and those who knew him, while denying that he had published anti-Christian books, all spoke of his fits of madness, which had of late been worse than before and accompanied by great irascibility. Indeed, it seemed to the commissioners, from the evidence as to his state of mind, that if found he could not usefully have been subjected to examination. On the strength of the general evidence, the commissioners ascribe both the libelous publications and the forged letters to persons who made unathorized use of Chou Han's name, and they mention that the supposed letter to the governor of Hupeh never reached that officer at all. But the evidence from all parties as to the wildness of Chou Han's mind and behavior is such that the commissioners think he should be reported for punishment. Cheng Mou-hua is blameworthy for admiringly consorting with a man whom he acknowledges to have been mad. The same is the case with Ch'en Chu-tê, who kept no check upon his workmen, and permitted them to execute orders without supervision, thereby allowing trouble to be caused. It is therefore proposed that these two men should be punished for their improper conduct by a flogging of eighty blows and three months' wooden collar, and their shops be closed in perpetuity. At the same time the local authorities have been desired to institute a strict search through all the province for the real authors of the libels and forged documents.

The memorialist represents that the preaching of Christianity is permitted by treaty, and it is of their own free will that Chinese become converts; that if there be anything improper or against treaty in the missions it should be reported to the authorities for joint action, and that baseless reports should not be spread. Chou Han, though acquitted of the offenses charged, still, by the conduct above described, has enabled others to make use of his name for bad purposes. They therefore propose that he should be temporarily cashiered and kept at home under surveillance, without being permitted to visit the provincial capital. If his mental state is improved and his conduct becomes exemplary his case might be after a time taken into consideration again. The memorialists further recommend that the sentences passed upon the booksellers be confirmed. The thirty-one blocks which were discovered have been destroyed by the Hankow taotai in the presence of the consul at that port. Referred to the tsung-li yamên.

THE TSUNG-LI YAMÊN'S MEMORIAL.

Prince Ch'ing and the ministers of the tsung-li yamên present a report on the above matter. Their memorial, except for a few lines, is simply a recapitulation of Chang Chih-tung's statements and an indorsement of his proposals. The prince and ministers state that their attention was called to the printing at Changsha by a letter from Mr. Von Brandt in November, and by Sir John Walsham in January, who said at an interview that a copy of the productions had been sent by the consul at Hankow to the secretary of state for foreign affairs in England. They remark on the freedom of any who wish to become Christians and the gravity of the case in question because of the troubles which spring from the dissemination of false tales. They beg that Chang Chih-tung's report may be adopted. Decree issued previously.

Mr. Denby to Mr. Blaine.

No. 1553.] LEGATION OF THE UNITED STATES,
Peking, July 5, 1892. (Received August 17.)

SIR: In your dispatch No. 725, of May 17 last, you inclosed a circular of the Acting Secretary of the Treasury covering printed copies of the acts of Congress from May 6, 1882, to May 5, 1892 (except the act of September 13, 1888), relating to Chinese exclusion.

I have now the honor to inform you that I transmitted to the foreign office on the 4th day of July a printed copy of the said circular, together with a communication of which a copy is herewith inclosed.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1553.]

Mr. Denby to the tsung-li yamên.

LEGATION OF THE UNITED STATES,
Peking, July 4, 1892.

YOUR HIGHNESS AND YOUR EXCELLENCIES: In my communication to your highness and your excellencies of June 20, 1892, I had the honor to state that I would transmit to you a copy of the recent act of Congress entitled "An act to prohibit the coming of Chinese persons to the United States," as soon as I should receive a copy thereof.

I have now the honor to inclose copies of the following papers, viz:

First. A circular of the Secretary of the Treasury informing collectors and other officers of the customs of the passage and approval of the above-mentioned act.

Second. A copy of the act of Congress above mentioned, approved May 5, 1892.

Third. A copy of the act of Congress approved May 6, 1882.

Fourth. A copy of the act of Congress approved July 5, 1884.

Fifth. A copy of the act of Congress approved October 1, 1888.

These acts cover all the legislation of Congress on Chinese exclusion except the act approved September 13, 1888. This last act was dependent by its terms on the ratification of the proposed treaty of 1888, and was to take effect only after the ratification of that treaty. As the treaty of 1888 was not ratified by China, this act never became operative.

I have, etc.,

CHARLES DENBY.

Mr. Wharton to Mr. Denby.

No. 736.] DEPARTMENT OF STATE,
Washington, July 7, 1892.

SIR: I have received your No. 1534 of 18th May last, relative to the question of jurisdiction raised by Mr. Leonard, consul-general of the United States at Shanghai.

According to the statement, one James A. Frame, jailer of the American consulate, shot and killed, on May 1, 1892, George Lemon. Both were American citizens.

Your opinion that the consul-general should try the case is approved. I inclose a copy of the instruction on the subject to Mr. Leonard.

I am, etc.,

WILLIAM F. WHARTON.

[Inclosure in No. 736.]

Mr. Adee to Mr. Leonard.

No. 64.] DEPARTMENT OF STATE,
Washington, July 2, 1892.

SIR: I have to acknowledge the receipt of your dispatch No. 198 of May 31 last, in relation to the question of jurisdiction in the case of James A. Frame, charged with killing George Lemon, and to say that the Department considers it quite clear that you should try this case in the manner provided by law.

I may add that a jailer or marshal is not considered a consular officer within the intendment of the statute.

I am, etc.,

ALVEY A. ADEE,
Second Assistant Secretary.

Mr. Foster to Mr. Denby.

No. 737.] DEPARTMENT OF STATE,
Washington, July 18, 1892.

SIR: A dispatch, No. 51, of the 26th May, 1892, has been received from Mr. H. W. Andrews, consul at Hankow, in relation to the application for a passport made through him by Rev. John R. Hykes, an American missionary residing at Kin Kiang.

Your instruction of April 27, to Mr. Andrews, correctly represents the view here entertained in regard to the proof of the *animus revertendi* which should be offered by citizens of the United States applying for passports in a foreign country. These requirements, while generally applicable to the cases of native-born citizens indefinitely sojourning abroad under circumstances creating a presumption of abandonment of their American domicile and status, are particularly necessary in respect to naturalized citizens quitting this country after acquiring citizenship, and especially to such as take up residence in the land of their original allegiance.

The case of an American missionary in a country where the United States possesses extraterritorial jurisdiction presents certain exceptional features which may well invite relaxation of requirements not obviously necessary in their regard.

In China, as in other extraterritorial countries, the fact of continued sojourn of a native-born citizen of the United States does not alone create a prima facie presumption of intent to acquire political domicile there. Short of actual naturalization as a Chinese subject, the individual is and remains under the jurisdiction of the United States; and no conflicting claim to exercise jurisdiction over him is possible on the part of China. Moreover, the peculiar conditions under which American missionaries reside in China, and their self-sacrificing devotion to the calls of higher duty may, and indeed often do, bring about an abandonment of a fixed domicile in the United States without the acquisition of a domicile in the country of residence. Such men are for the most part agents of American societies, and when they are native-born citizens the requirement that they shall prove retention of a permanent domicile in the United States is a needless hardship, because often impracticable of fulfillment by a conscientious missionary whose residence in China has been taken up, in fact, with a purpose to pursue there his life work; so, also, as to the intention to return to the United States, which in most cases may amount merely to a floating and contingent purpose.

Mr. Hykes is a native-born citizen, employed in China by an American society under circumstances which make his retention of domicile in the United States impracticable and his purpose of return indefinite, but which do not of themselves withdraw him from American jurisdiction. If, as the Department infers, the difficulty on Mr. Hykes's part is conscientious, he may now make an entirely honest and acceptable declaration in the line of these suggestions which will satisfy you of his bona fides. Such explanatory statements would certainly be more acceptable and more truthfully indicative of the relation which should exist between the citizen and the state than the declaration that he does not intend to return to the United States except against his will, "as forced to do so by sickness or family." Mr. Hykes's own good judgment should suggest to him that persistence in such a declaration as he makes is not only unwise but needless, and is a dangerous approach to the border line of a formal renunciation of his rightful status as a loyal citizen.

Mr. Hykes may therefore be invited to make an amended application as indicated, upon which a passport may be issued by you.

A copy of this instruction will be sent to the consul at Hankow for his information. He will, however, take his instructions in the matter from you.

No reference of the question to this Department, through the authorities of Mr. Hykes's society, has yet been received. Should any be presented, the usual course of the Department will be pursued and the matter referred to you with appropriate instructions, the applicants being so informed.

I am, etc.,

JOHN W. FOSTER.

Mr. Denby to Mr. Wharton.

No. 1562.] LEGATION OF THE UNITED STATES,
Peking, July 27, 1892. (Received September 22.)

SIR: I have the honor to inform you that the summer in China so far has been quiet, and no serious antiforeign riots have occurred. There are indications, however, that the conspirators in Hu-Nan are again endeavoring to stir up popular prejudice. The circulation of placards containing abuse of foreigners and missionaries has again commenced. It appears that these placards were prepared in Hu-Nan and were sent to Chang-tel-Fu, a city in the province of Hu-Nan.

I inclose herewith copies of four of these placards.

I have, etc.,

CHARLES DENBY.

[Inclosure with No. 1562.]

Clipping from North China Daily News, July 15, 1892.

I. Let all be informed that I, Taotai of Han, Wang, Tao district, have for years been worshipping the "Hog Ancestor, Jesus." Since my promotion to this office each of the western powers has paid me a salary of 10,000 taels per year, and the various consular bodies have given my wife, concubines, and the female members of my household 10,000 taels for the expenses of their toilets. Although my relations with the

great western powers have been most friendly, yet it is due to the intimate relation existing between the different consular bodies and my wife, concubines, and the female members of my household that we obtain this. But without the blessings from the "Hog Ancestor" how could we have reached such a prosperous state? There is a report abroad that you wish to injure and take violent measures against the "Hog Ancestor" and to give preëminence to the names of Yao, Sung, Yü, Tan, Chow Kong, Wên, Whang, Wu Whang, Confucius, and Mencius. This is most foolish, and surpassingly so. I therefore hasten to issue this proclamation so that all may know that, if you wish hereafter to become rich and prosperous, you must take your wives, concubines, and the female members of your family to the church every night and worship the "Hog Ancestor." You should not in the least degree give trouble to the consuls and the missionaries, and in particular you should not injure Jesus, the Hog Ancestor. If you do not desire to strive for wealth and prosperity and one not willing to enter the church there will be no one to force you to do so. Now, let no one, hereafter, again injure the "Hog Ancestor," and those disobeying this mandate shall be nailed upon the cross to die.

Issued by

YANG (goat) TAOTAI,
Taotai of Han, Wang, Tao District (Hankow).

II. Let the entire town assemble, but do not let in strangers and bad people, to deliberate and counsel upon the following: There is a foreign devil religion, which upholds the "Heavenly Hog" as being sacred. They profess to persuade people to love each other and to do what is good, but they secretly conceal within themselves a heart bent on injuring and ruining the people. They make it their business to bring young children from the people whom they place in the church to pursue religious studies. But in reality they got hold of these chileren so as to pick out their eyes and hearts, wherewith to concoct chemicals for making silver and gold. It is a pity the poor people can not at once be made to understand this. We have heard of these revolting acts, and by secret investigation we have obtained positive information concerning them. If there be any kidnapping of children committed we shall now secretly punish the offenders without mercy. Whoever is found to believe the "devil religion" shall not be allowed to remain here, and any who should seek secretly to conceal them, or is unwilling to report the presence of such persons, is certainly a ———

III. We the people of this city and of the surrounding country do hereby with one heart and voice resolve that we will seek out the members of the "Heavenly Hog religion" and the "Jesus religion." If any be found to say that the foreign religions are good let us bind him up, beat him, and push him into the deep water. Let us tear down and destroy the churches and exterminate those who "eat the religion." In doing this we must pull the weed up by the roots so that we may escape incurring the calamities from above and suffering here below. Will it then not be peace for us? Let all be of one mind and strive with united efforts, even staking our lives to attain this, and be not in the least afraid. For were he a tiger we will eat his flesh and skin his hide.

IV. We the people of this locality should tear down, demolish, and set fire to the Catholic premises in Tao-yuen Hsien, and take that traitorous devil official up to this place—that detestable foreign religious devil. Let us unite together and forbid the establishment of the "Jesus Religion Church" and prohibit the "foreign devil" from entering our territory. The church members devote themselves especially to kidnapping young female children, who are sold to foreigners, and the latter pluck out their eyes for the purpose of making chemical preparations with which they produce gold and silver. We have discovered at Wanshousu that the kidnappers really send the children to the churches. Now, let us apprehend all strangers among us who do not worship our gods, for they are kidnappers, and when so apprehended let us punish them ourselves, and not send them to the authorities.

Mr. Denby to Mr. Foster.

No. 1569.] LEGATION OF THE UNITED STATES,
Peking, August 17, 1892. (Received September 28.)

SIR: I have the honor to inclose a translation of a communication that I recently received from the foreign office on the subject of Chinese exclusion legislation of the United States, together with a copy of my answer thereto.

Under Article IV of the treaty of 1880 (Treaties 1776–1887, p. 183) it is competent for the foreign office to take up this discussion with the minister of the United States at Peking.

It will be seen that the yamên severely criticises the legislation in question and requests that the President take steps to secure its repeal. A sufficient abstract of this communication will be found in my answer thereto.

On account of an intimation in the Department's dispatch, No. 553, of September 24, 1890, I have hitherto forbore to enter into any argument with the foreign office on this subject. In the present conjuncture of affairs I concluded that a temperate presentation to the yamên of the scope, effect, and legality of the Chinese exclusion legislation, and a reasonable argument, tending to show that, by the treaty of 1880, China had given her consent to the enactment thereof, would produce a good effect. Such discussion, in my opinion, will tend to remove from the minds of the members of the yamên misconceptions as to the character of this legislation, and, if retaliatory measures were being considered—of which I have no information—it might cause a halt in the adoption thereof.

The reading of my answer to the grave charges made by the yamên will show that I have confined myself chiefly to making a legal argument.

Owing to the intimation already mentioned, contained in the Department's dispatch cited, I did not feel authorized to enter upon a discussion of the broad grounds upon which such legislation might be defended, nor did I feel authorized to enter into an effort to show that such legislation did not contravene Article II of the treaty whereby certain rights and immunities were guarantied to Chinese laborers who were in the United States at the date of the treaty.

As I have never received any instructions from the Department on this subject, it did not appear to me that it would be prudent to discuss the general relations of the two countries, or to suggest remedies that might remove the unfortunate friction now existing. Your own wisdom and experience will suggest a general treatment of the questions involved, should such a policy be desired by you.

I have, etc.,

CHARLES DENBY.

[Inclosure 1 in No. 1569.]

The tsung-li yamên to Mr. Denby.

FOREIGN OFFICE,
Peking, August 5, 1892.

Upon the 4th of July last the prince and ministers had the honor to receive a communication from the minister of the United States wherein he stated that he had received a copy of the new exclusion act against Chinese laborers, and inclosing in English—

First. A circular of the Secretary of the Treasury, informing collectors of customs of the passage and approval of the above-mentioned act.

Second. A copy of the above-mentioned act, approved May 5, 1892.

Third. A copy of the act of Congress approved May 6, 1882.

Fourth. A copy of the act of Congress approved July 5, 1884.

Fifth. A copy of the act of Congress approved October 1, 1888.

The minister of the United States stated that these acts covered all the legislation of Congress on Chinese exclusion.

The prince and ministers would observe that it appears that the exclusion of Chi-

nese laborers for a limited period had its origin in the 6th year of Kuang Hsü, tenth moon, 15th day, November 17, 1880, by a supplementary treaty concluded between China and the United States.

Afterwards, in 1882, the first exclusion act was adopted, which was very severe in its terms. In 1884 this act was revised and amended and it may be said that nothing was left to make it as strong as possible, still it was not clearly expressed as an abrogation of the treaty.

The law of October 1, 1888, was a complete discarding of the friendly relations that have existed between China and the United States for several tens of years.

The yamên and the Chinese minister to the United States have repeatedly addressed communications discussing the question upon the basis of the treaties, but the minister of the United States and the honorable Secretary of State has never sent anything of a decisive nature in reply.

The new act approved May 5 contains nine articles and continues in force, for a period of ten years, the law of 1884 on expiring of same (!). The prince and ministers, having duly perused the said act, feel it incumbent to explain to the minister of the United States their views regarding same:

Article II of the new act reads as follows:

"That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China."

The yamên does not know whether the term Chinese citizen or subject refers entirely to the laboring classes resident in the United States, or includes the exempt classes, as teachers, students, merchants, or those traveling from curiosity. By the second article of the supplemental treaty between the United States and China "Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nation."

Section 3 of the act of 1884 is clear and explicit. It reads as follows: "That (the two foregoing sections) shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of the act." There is still further no necessity of discussing the question of Chinese merchants and others who are exempt and not included in the exclusion act.

By the act of May 5, 1892, the language used is Chinese citizen or subject, and no distinction of class is made. Again it is stated "under any of said laws to be not lawfully entitled to be or remain in the United States." Does the expression "under any of said laws" refer to the treaties or laws concluded by the two countries?

Again, by the third section of the new act, it reads:

"That any Chinese person, or persons of Chinese descent, arrested under the provision of this act, or the acts hereby extended, shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States."

The yamên would observe that it was originally under the provisions of the Burlingame treaty of 1868 that Chinese laborers migrated to the United States. If affirmative proof is asked for this treaty should be taken, as it is certainly real affirmative proof.

Sections II and III of the supplemental treaty of 1880 may also be cited as including affirmative proof.

The United States Government at present disregards the treaties, and is moving with force to arrest Chinese subjects. Such action the prince and ministers consider as appearing to be greatly at variance with the Constitution of the United States.

Section IV refers to imprisonment at hard labor. The prince and ministers would inquire whether the laboring classes of other countries, who go to the United States, are treated in such a harsh and tyrannical manner. Can it be said that they enjoyed the same rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation?

Section V reads: "That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Chinese person seeking to land in the United States, to whom that privilege

has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay."

It appears that there is a rule or law in the United States which admits of the citizens and subjects of foreign powers, resident in the United States, when an action at law has been instituted against them before the courts to apply and obtain bail pending the trial of the case.

If the granting of bail is to be denied Chinamen awaiting trial, then where will their dwelling places be? Besides it is certainly the case that judges or justices cannot take up (every) case on their arrival in court. In a word the true and honest procedure would be to still conform to the rule to grant bail pending trial.

Section VI of the new law reads as follows:

"And it shall be the duty of all Chinese laborers, within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collectors of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer, within the limits of the United States, who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage thereof, shall be found within the jurisdiction of the United States without such certificate of residence shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue, or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of such judge that by reason of accident, sickness, or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act; and if, upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of such arrest and trial shall be in the discretion of the court. And any Chinese person other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right may apply for and receive the same without charge."

The yamên would observe that Chinese laborers, resident in the United States, are scattered about in cities and towns where China is not represented by consular officers. Among this class of laborers there are some who do not speak or read English, and if they must procure certificates within the limited period of one year, and, on a failure to do so they will be arrested and brought before the courts for punishment, it goes without saying that they will become involved into a great deal of trouble, and it is to be feared the local authorities will be excessively annoyed and bothered and in comparison with the articles of the supplemental treaty of 1880 (the new act) contains much more matter.

As to sections 7, 8, and 9 of the new act, these refer to the rules and regulations the Secretary of the Treasury of the United States shall make, and on examination with the rules issued by the Secretary of the Treasury, dated December 6, 1884, it appears are greatly at variance therewith.

In the matter of the above new act, which contains nine sections, the yamên have examined the treaties as well as the cases that have transpired, and the prince and ministers would request the United States minister to memorialize the President of the United States to instruct Congress to reconsider the recent exclusion act, so that it may be in due observance of international law, and thus show a feeling of regard for the relations of the two countries.

It appears that after the act of July, 1884, was passed by Congress the President of the United States at that time sent to Congress, on the 1st of December of that year, a message wherein he called the attention to the supplemental treaty between the United States and China, and stated that in the action taken with regard to the exclusion of Chinese for a certain period the original intent and purpose of the treaty should be considered, and that it seemed necessary to again deliberate upon the question in a satisfactory and proper way, the previous bill being a violation of treaty, the terms of which should be carefully amended.

The President of the United States has authority, when Congress decides and enacts a law in violation of treaty rights, to (return the same) and request a reconsideration of it. The act of May 5, 1892, containing nine sections, is in many respects a violation of the treaties and is merely a continuation of the old exclusion acts of 1884 and 1882, and the evil reached the members of the Chinese diplomatic service, for in 1886 the Chinese minister accredited to the United States was not allowed to land in San Francisco until he had showed his credentials, which was demanded by the (commissioner) collector of customs.

These acts have injured the reputation of the Government of the United States, as well as the friendly relations that have existed between the two countries, and the yamén expresses the hope that the Government of the United States will, in an equitable and satisfactory manner, rectify the discrepancy shown against China in the unfair treatment manifested toward the Chinese subjects.

The prince and ministers beg that the minister of the United States will peruse this communication and favor them with a reply.

A necessary communication addressed to his excellency Charles Denby.

[Inclosure 2 in No. 1569.]

Mr. Denby to the tsung-li yamén.

LEGATION OF THE UNITED STATES,
Peking, August 11, 1892.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I have the honor to acknowledge the receipt of your communication of the 5th instant, relative to the Chinese exclusion acts of the United States. You therein desire me to bring your criticisms and objections to the attention of the President of the United States, in order that a remedy may be provided for the unjust manner, as you allege, in which Chinese subjects have been treated.

I will, with great pleasure, send to the Department of State a translation of your communication. After having received instructions I will communicate with your highness and your excellencies further.

I beg to remark, however, that article 1 of the treaty of 1880 contains the express consent of China that the coming of Chinese laborers to the United States "or their residence therein," whenever, in the opinion of the Government of the United States, such coming or residence "affects or threatens to affect the interests" of the United States, or to endanger the good order thereof, or any part thereof, may—both coming and residence—be regulated and suspended.

So far as the legislation of Congress applies to Chinese laborers who have entered the United States since the act of May 6, 1882, was enacted, there can be no question that such legislation is in accordance with the provisions of the treaty. As to whether laborers who were lawfully in the United States prior to May 6, 1882, have been deprived of any right guaranteed by the second article of the treaty may not at all be a practical question. It would be necessary to ascertain how many such laborers there are, if any, where they reside, and in what manner they are, or claim to be, injured. After this lapse of time, and with the known inclination of such persons to return to China, my opinion is that few of this class will be found in the United States.

I propose now to show that the recent act of Congress is perfectly in accord with the Constitution of the United States. The following is a brief abstract of this law:

The first section simply continues in force existing laws for ten years.

It is to be noticed that this is not prohibition, but regulation, limiting and suspending, and therefore in accord with the treaty.

Second section. This section provides for the removal to China or, in certain contingencies, to other countries, of Chinese laborers who are found to be unlawfully in the United States. No argument is necessary to justify this section. Removal is both a mild and necessary form of punishment.

Third section. This section requires affirmative proof of the right to remain in the United States to be made by an accused person.

Usually in legal proceedings neither party is required to prove a negative. It would or might be impossible for the Government to prove the time when and the place where an alien entered its territory, but it is exceedingly easy for the accused to prove the facts as they are in his own knowledge. Generally, a person claiming that he has a license to do a given act must produce his license.

Fourth section. This section fixes a penalty of one year's imprisonment for unlawfully entering the United States.

In my opinion, this clause is not retroactive, but applies to those persons only who have entered or shall unlawfully enter the United States after May 5, 1892.

Fifth section. This section denies the privilege of giving bail to persons who have sued out a writ of habeas corpus.

While under the Constitution (clause 2, sec. 21, 2d Ed. Rev. Stat., 1878) this writ must issue, except in certain cases there is no clause in the Constitution providing in what cases bail is admissible. The power of determining what cases shall be bailable, and what not, is left to Congress. In this case Congress has chosen to deny bail. It was influenced, no doubt, by the fact that in many cases bail bonds proved to be worthless.

xth section. This section requires all Chinese laborers to take out a certificate esidence. Easy means are provided for the issuing of such certificates. If sick- or other good cause prohibited the securing of a certificate, that fact may be ed and time given to secure one; so if a certificate has been lost.

ere is no peculiar hardship in this system. It is something like the passport travel-certificate system prevailing in China. It will prove a benefit instead of njury to the laborer. The production of a certificate at any time will relieve from all trouble.

venth, eighth, and ninth sections. These sections are not material to this discus- . They provide for rules to be made to put the act in operation, for penalties for ery, and compensation to officials.

our highness and your excellencies say that you do "not know whether the term nese citizen or subject refers entirely to the laboring classes resident in the United tes, or includes the exempt classes," etc.

he act of May 5, 1892, continues in force the prior acts, of which copies were sent ou.

he act of May 6, 1882, is the first of these acts. Its language is "the coming of nese laborers to the United States" is suspended.

he act of 1884 amends the act of 1882, and adopts the same language.

he act of October 1, 1888, enacts that "it shall be unlawful for any Chinese orer" to return to the United States after having departed therefrom.

ll these laws, therefore, apply to Chinese laborers, and simply provide as to other ses a mode of identification.

our highness and your excellencies further observe that it was originally under provisions of the Burlingame treaty of 1868 that Chinese laborers migrated to United States, and that this treaty constitutes affirmative proof, as required by third section of the act of May 5, 1892.

he treaty has no bearing on the proof of the time when a laborer went to the ed States. This date must be proved, and if a Chinese laborer was a resident he United States prior to May 6, 1882, he will not be affected by any of this legis- n, provided he takes out a certificate of residence.

ur highness and your excellencies state that the penalty of imprisonment affixed ection 4 is excessive, and that laborers of other countries are not liable to such shment.

was for Congress to determine what the punishment for an infraction of this should be. It has named the lowest penalty that is usually attached to crimes. laborers of other countries are not liable to such punishment may be true, but nited States has no treaty similar to the treaty of 1880 with any other power.

ave already discussed the effect of section 6 of the new law, which relates to the al of bail on application for a writ of habeas corpus. I do not know where ns who had sued out a writ of habeas corpus would stay before trial. I sup- in practice, if they could not remain aboard the ship which transported them o United States, some other place would be provided by the authorities.

what I have written I have treated the questions involved as questions of law. es not come within the purview of the diplomatic officer to discuss the intrinsic s or demerits of the laws of his country. I beg to remark, however, that if the y of 1888 had been approved by the Government of China the questions now ed would not have arisen. China at that time seemed to fear that if that treaty approved similar treaties would have to be conceded to other powers. She rred that her people should be prevented from going to the United States by an f Congress which she might designate as antitreaty legislation to their being ex- d from other parts of the world by her own consent. The danger of this policy pointed out by me at the time, and events have justified my remonstrance.

I avail, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Blaine.

1584.] LEGATION OF THE UNITED STATES,
Peking, September 27, 1892. (Received November 15.)

IR: I have the honor to send you the following abstract of a memo- to the Chinese Government from his excellency Mr. Tsui, Chinese ister at Washington, which lately appeared in the Chung Hsi Jih , a newspaper published at Canton. A full translation thereof has n forwarded to the Department by the consul at Canton.

The memorialist alludes to riots recurring in China, and charges that they are due to the negligence of the local authorities. He says that there are sufficient troops on sea and land to prevent these outrages, if they were properly employed.

He refers to the antimissionary outbreaks of last year in Wuhu, and says that at the request of the Department he wired the Tsung-li Yamên asking protection for Americans, to which request a favorable reply was received.

He was afterwards informed by the yamên that England and France decided upon the plan of a joint naval demonstration. I remark that no such plan was even conceived at Peking. The foreign minister simply recommended that men-of-war should be stationed at certain ports in China and that China should be made to pay the increased cost of keeping them there. The memorialist proceeds to state that during the summer of 1891 he had five interviews with the Department, at which the Secretary stated that the United States would not coöperate with England and France, and that a telegram had been sent to me not to associate myself with such plans, and that, in dispatches, I was ordered not to take any share in the deliberations of the French and English. I remark that the telegram received by me simply directed me not to sign any joint paper until I had received instructions, and that no instructions were ever sent.

The memorialist takes credit to himself that by this action "the combination was dissolved and the ministers were unable to make extortionate claims." I remark that the "combination" extended only to the signing of one paper, which is covered by my dispatch No. 1389, of September 17, 1891, and that there was never the least question mooted in the diplomatic body here as to making war on China.

Memorialist "humbly advances another idea." I quote his language:

> For the most part, in our foreign relations, no care has been exercised in advance and a legacy of evils has been bequeathed to later days. Had strict care been shown in the beginning the misfortunes of the future would have been avoided. The permission to foreigners to teach religious doctrines, granted in treaties executed in the past, is now difficult to withdraw. Hereafter this can not but be taken into seasonable consideration.

Memorialist observes that the treaty between China and the United States of the 7th Kuang Hsu (1880) has now been in operation ten years, yet, to private inquiries which he has made of officials and others of influence, all say that the matter of treaty renewal must still be postponed. Memorialist has carefully informed himself of the foreign relations of the United States and learns that since last spring there is being universally discussed a plan to prevent the coming of laborers of all European countries to the United States. Laws for this purpose have been already passed and officials have been appointed to gradually put them in operation. This, however, has not yet been accomplished. This is the cause of the procrastination in renewing the Chinese-American treaty and the reason why no replies have hitherto been made to our representations on the exclusion of laborers. If a treaty between the United States and the nations of Europe not allowing their laborers to come to the United States were made, this prohibition could easily be defended in argument; but, as to China, the United States have hitherto maintained the right of Chinese to go and come at their pleasure. A prohibition of them would savor of bad faith. The device is first to exclude Europeans, proceeding from the easy to the accomplishment of the difficult. When European exclusion is an accomplished fact, then the negotiation of a supplementary treaty with

China will be undertaken. Memorialist is of opinion that this time is not far distant, and hence the manner in which we are to conduct ourselves towards the United States must be seasonably considered. Memorialist has recently received a dispatch from the yamên, with reference to two suggestions submitted by President Martin of the Tung Wen colleges, for memorialist's information. First, that Chinese subjects having passports should be allowed to go to and fro at pleasure. Second, that those Chinese who suffer interference should be repaid their expenses.

"These propositions are equitable and just, and acceptable to the people; and, as the exclusion of Europeans is not accomplished, the American Government would have difficulty in rejecting them. This is one of the points we should take into timely consideration.

"The United States since its establishment as an independent government, has not hitherto been guilty of wrong dealing or corrupt practices. It seems that this characteristic might be availed of to our advantage."

The memoralist goes on to state that Russia excludes missionaries from going into the interior, and Germany limits the number of chapels and missionaries. These facts may be brought forward, he says, should the treaty with America be renewed.

It should be agreed, he says, that hereafter only actual damages should be paid to missionaries. He says:

"Memorialist has quietly investigated what the occasion requires; he has maturely reflected on our relation to others; he has weighed the important and the trivial; he has distinguished the antecedent and the subsequent. Should negotiations of the above character be entered into with England and France, it would probably be difficult to gain their consent. Let these matters be first negotiated with the United States and she will agree. When the United States have acceded to our views let England and France be approached. First undertake the easy and proceed thence to the difficult."

He states that chapels should not be scattered everywhere and missionary cases will not thereafter multiply.

The paper concludes with the expression of a reliance on China's army and navy in the future, and with the injunction that the officials should use diligence and that cordial international relations should be cultivated.

Comment on the above is unnecessary. I submit it simply as a contribution to current history.

I have, etc.,

CHARLES DENBY.

Mr. Wharton to Mr. Denby.

No. 754.] DEPARTMENT OF STATE,
Washington, October 18, 1892.

SIR: I inclose for your information a copy of a dispatch from the consul-general of the United States at Shanghai, No. 222, of the 9th ultimo, in regard to the reported mutilation of missionaries in Shensi.

Mr. Leonard has been advised in reply that if any American citizen shall be found to have suffered in that reported outbreak, it was presumed that the matter would be promptly brought to your knowledge and be duly acted upon by you.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure in No. 754.]

Mr. Leonard to Mr. Wharton.

No. 222.] UNITED STATES CONSULATE,
Shanghai, September 9, 1892. (Received October 7.)

SIR: I have the honor to transmit herewith an editorial from yesterday's issue of the North China Daily News, published at this place.

Singan, the place mentioned, is more than 800 miles southwest of Peking, and about 500 miles north of Ichang, the port farthest up the Yangtze River, and inaccessible to any foreign force.

So far as I can learn, there may be half a dozen American missionaries in that region in the service of the China Inland Mission, but I can not ascertain before mailing this dispatch.

I have, etc.,

J. A. LEONARD,
Consul-General.

[Inclosure to inclosure in No. 222.—From the North China Daily News, September 8, 1892.]

We received yesterday the following telegram dated Singan Fu, 6th September, 6:30 p. m.: "European Missionary Christians mutilated Shensi," which evidently means that there has been an anti-Christian outbreak in Shensi in which European missionaries and native Christians have been mutilated. The epidemics that have visited northern central China this year have, we know, been taken advantage of by the enimies of missionary work, and it is to be feared that these men have succeeded in stirring up a riot in Shensi. The China Inland Mission has 27 members, including associates, in Shensi, mostly in the west of the province, at Fengsiang, Hanchung, Chengku, and Sanyang. There are 30 Franciscans in Shensi, including 7 nuns, and many of these are near Singan Fu. There are also 3 English Baptist missionaries in the province. It is difficult to know what can be done to assist the foreigners in Shensi, if they need assistance, the nearest port being Hankow, but we understand that information of the trouble has been telegraphed to Sir John Walsham, who will no doubt make the necessary representations to the Chinese authorities.

Mr. Denby to Mr. Foster.

No. 1600.] LEGATION OF THE UNITED STATES,
Peking, November 3, 1892. (Received December 19.)

SIR: I have the honor to inform you that I had an interview at Tientsin, the 25th ultimo, with the Viceroy Li Hung-chang. I had no special business with him, but being at Tientsin I deemed it prudent to pay my respects to him.

After the usual inquiries about my family, as to my age, and other pleasant matters, he informed me that he would like to talk to me about public affairs. He then said that the United States had violated the treaty by passing the exclusion act. I asked him to designate wherein we had violated the treaty. He was unprepared for this question and could give no answer. I stated that China, by the treaty of 1880, had consented that the United States might regulate the residence of Chinese laborers in its territory and might, if it deemed necessary, exclude them. He had nothing to say except that the American commissioners had pulled the wool over the eyes of the yamên. I said it was rather late to make that objection. He said he wanted reciprocity and would treat the Americans as we treated the Chinese. I said that if he gave us reciprocal treatment, Americans would be able to go anywhere in China, to engage in all species of business, and would be as free as air; that there were 110,000 Chinese in the United States and but 1,250

Americans in China, and that any maltreatment of Americans in China would not conduce to the interest of the Chinese in America.

He desired me to ask you to have the exclusion act repealed. I said that the legislation of the United States was enacted by the two Houses of Congress, and that the Secretary of State could not control the members of these Houses, and as an executive officer I had no right to dictate to Congress what it should do. I said to him that he well knew that it was our settled policy to exclude Chinese laborers, and that we were following the example of China during all her history. I asked him what would happen if one hundred thousand American laborers were to go to Canton and were to propose to work for 10 or 15 cents a day, would China allow them to land?

The viceroy did not answer this question. He always passes by in silence what he can not reply to satisfactorily. He turned the subject by saying to me that if I went to Canton I would be insulted. I said I had been to Canton three times and nobody had ever insulted me. He said I was a very brave man. I said I had never injured a Chinaman, and I did not see why a Chinaman should want to injure me.

I then asked him why he did not people Manchuria and Mongolia and other outlying Chinese territory with his redundant population, instead of trying to force them on people who did not want them. He said that the Chinese emigrants went from the southern provinces where it was warm, and that northern climates did not suit them. I said that many of them went to Canada and to some of the Northern and Western States, where the weather was cold.

I said to the viceroy that the exclusion act was not well understood in China; that it was warranted by the treaty with China, and in its actual operation would be found to be beneficial to the Chinese laborer; that once possessed of a certificate the laborer could go where he pleased in our vast country, could engage in any kind of business, and would never be molested. The viceroy was not satisfied with this discussion, or refused to admit that he was.

I took pains to impress on him that in spite of our exclusion acts we were the best friends of China, and this fact was realized by the Government at Peking; that we have never made war on China; did not covet any of its territory; that all we wanted was peaceful and honorable trade and protection for our people in China, and there was no real reason why the relations between the two countries should not remain of the most friendly character.

I then took up the subject of the Chicago Exposition, and advised him to send a fleet to Hampton Roads in order to show the world the great progress that China had lately made in the creation of a modern navy. I found, however, that it was useless to argue this subject with him. He said he would not send a fleet, and that China would have no exhibition at Chicago. I expressed my regret at this irrational conclusion and used some argument to make him recede from it, but without avail.

He said, by way of excuse for his plainness of speech, that he and I were good friends; that he was anxious for me to remain in China, and that if we had not been so friendly he would not have spoken to me so freely.

The railways in China are under the control of an intelligent American, Mr. W. N. Pethick, and without intervention from me Americans are receiving and will continue to receive a fair share of employments and contracts.

I have, etc.,

CHARLES DENBY.

Mr. Denby to Mr. Foster.

No. 1607.] LEGATION OF THE UNITED STATES,
Pekin, November 29, 1892. (Received January 14, 1893.)

SIR: In my dispatch No. 1569, of the 18th August last, I transmitted a copy of a translation of a communication received by me from the foreign office, relating to the recent exclusion acts of the United States against Chinese laborers, together with a copy of my reply thereto.

I now inclose a translation of another communication from the yamên on the same subject. The yamên states that several months have elapsed and it has received no intimation from me whether I have or have not received a reply from the honorable Secretary of State. The yamên proceeds to state that it has received from Chinese in the United States frequent remonstrances against the new law and that arrests under it have been made in New York. This latter statement I think can not be true, as the law has one year to run from May 6, 1892, before prosecutions can begin.

The yamên then argues at considerable length that the new law violates the treaty of 1880. It cites the "favored nation" clause in that treaty, and the third article thereof, and claims that, as the matter of certificates under the new act does not apply to the citizens of other countries, it should not apply to Chinese subjects.

I endeavored in my communication to the yamên of August 18, 1892, to show that the new law was not in contravention of the treaty of 1880, so far as it related to Chinese laborers who have gone to the United States since the treaty of 1880, because such persons had gone thither in violation of the acts of 1882 and 1884. But the yamên makes no distinction between Chinese laborers who were in the United States at the date of the treaty and those who have since unlawfully gone to the United States.

The yamên then points out the difference between the system of certificates and the passport and travel-certificate system prevailing in China, and claims that the two systems are not at all alike.

The yamên proceeds to speak kindly of the Government of the United States and of myself, and expresses the hope that you will request Congress to abrogate the new law. It concludes with the statement that it has addressed the governor of the Liang Kuang (the two southern provinces) to ascertain the views of the Chinese merchants of Canton and Hongkong and, on a report having been received, the question of making new rules for the future will be considered.

I have acknowledged the receipt of this communication and have informed the yamên that I have not received any specific instructions on the subject under discussion.

I have, etc.,

CHARLES DENBY.

[Inclosure in No. 1607.—Translation.]

The Foreign Office to Mr. Denby.

No. 17.] NOVEMBER 24, 1892.

Upon the 18th of August, 1892, the prince and ministers had the honor to receive a communication from the minister of the United States, in reply to the yamên's dispatch relative to the exclusion acts of the United States against Chinese laborers, wherein the minister of the United States was requested to bring the attention of

the President of the United States to the unjust manner in which Chinese subjects have been treated. The minister of the United States stated that it would afford him great pleasure to send to the Department of State a translation of the prince and ministers' communication; and, after having received instructions, he would communicate with the yamên further upon the subject.

The yamên have duly perused the contents of the minister's communication, which contains in substance the provisions of the supplemental treaty and also gives a review of the nine articles of the new act of May 5, 1892, which are in accordance with treaty stipulations. The minister of the United States further observes that if the treaty of 1888 had been approved by the Government of China the questions now mooted would not have arisen, and the danger of the policy adopted was pointed out by him at the time.

Several months have elapsed, but the prince and ministers have received no intimation from the minister of the United States whether he has or not received a reply from the honorable Secretary of State. Frequent representations have been made by Chinese resident in America that the rule under the new law in regard to getting certificates is oppressive. In New York the police have arrested at their pleasure Chinese who have not obtained certificates. The Chinese minister to the United States has laid the matter before the yamên by note and the yamên must lose no time in devising a plan of action.

With reference to the limitation of Chinese laborers there is a special treaty governing the question. The minister of the United States states that laborers of other countries are not liable to such punishments [which] may be true; but the United States have no treaty similar to the treaty of 1880 with any other power.

The yamên would observe that when the supplemental treaty of 1880 was negotiated the commission appointed by China to negotiate the same inquired of the United States commissioners that on the framing of the treaty whether the United States would or would not impose or inflict oppressive measures on the Chinese laborers, and after the return to the United States of the American commissioners this statement of the Chinese commissioners appeared in the Foreign Relations of Congress (?). This treaty was concluded in an amiable and peaceful spirit and the two governments concerned were animated by the desire of pursuing perpetual friendly relations.

The second article of the treaty reads as follows:

"Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation."

If the statement of the minister of the United States "that laborers of other countries are not liable to such punishment," is to be taken, then was not the expression in the treaty of 1880, "accorded all the rights, etc., which are accorded to the citizens and subjects of the most favored nation," an empty and vacant insertion? If the two countries, China and the United States, are only and specially to be considered, what was the use of inserting the favored-nation clause?

The third article of the supplemental treaty reads: "If Chinese laborers, or Chinese of any other class now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities and exemptions as may be enjoyed by the citizens and subjects of the most favored nation and to which they are entitled by treaty."

Here is a repetition in this clause that Chinese [subjects] shall receive the same treatment as those of the most favored nation. As the rules of action in the matter of certificates under the new act can not apply to other countries, then they can not apply to Chinese subjects.

The minister of the United States takes the supplemental treaty between the United States and China of 1880, and cites that as the authority why the Chinese laborer only should receive such harsh and unfair treatment. It seems this was not formerly the intent when the treaty was framed; neither is it in accordance with the wording thereof.

The minister of the United States further remarks that "it (a certificate) is something like the passport and travel-certificate system prevailing in China." This view the yamên really do not understand. With regard to foreigners resident in China applying for passports, these documents are either applied for by the foreign minister or consul, by an official communication (to Chinese authorities), and each receives the same treatment. The police authorities have never compelled persons to take out passports, nor is there any such thing as punishment by imprisonment. Further, the object and purpose of foreigners getting passports are specially for

traveling in the interior. At the treaty ports, however, foreigners may go and come at their pleasure without these documents.

Generally speaking there is no nation that is pleased with having the name of violating treaty stipulations. Every confidence has long been reposed in the sincerity of purpose, integrity, and high standing of the Government of the United States, and it has always evinced the staunchest feeling of friendship toward China. The minister of the United States has resided in China many years and the relations between him and the yamên have always been above suspicion. But at present the Chinese resident in the United States are molested and persecuted to an unsurpassed extent, and the yamên hopes that the minister of the United States will address and urge the Secretary of State to bring the matter before Congress to have abrogated the new law of 1892, regarding the issuance of certificates, thus maintaining and preserving the friendly relations between the two nations, which is the earnest desire of the yamên.

As to what rules may be arranged for the future, the yamên have addressed the governor-general of the Liang Kuang to ascertain the views of the Chinese merchants of Canton and Hongkong, and, on a report having been received, the question will then be considered.

A necessary communication, etc.

Mr. Foster to Mr. Denby.

No. 765.] DEPARTMENT OF STATE,
Washington, December 12, 1892.

SIR: I transmit for your information, a copy of correspondence with the Minister of China here, relative to the recent legislation of the United States in respect to Chinese subjects in this country.*

I am, etc.,

JOHN W. FOSTER.

CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON.

Mr. Tsui to Mr. Blaine.

CHINESE LEGATION,
Washington, October 26, 1891. (Received October 27.)

SIR: I inclose herewith a copy of a paper which has been received at this legation signed by a number of citizens of the United States residing on Whidbey Island, in the State of Washington, representing that injustice is being done to the Chinese subjects in that locality at the hands of officials of the United States Treasury Department and the United States commissioner of that district.

This legation has no disposition to encourage any violation of the laws of the United States on the part of Chinese subjects, but it feels that it can rely upon the Federal Government of the United States to see that justice is extended to the Chinese residents who are lawfully in this country, and that the Treasury Department will be pleased to direct its officials in the locality mentioned in the accompanying paper not to violate the universally acknowledged principle of law and evidence that persons accused of crime must be proven guilty, and that said officials should not harass peaceable persons by illegal arrests.

Accept, etc.,

TSUI KWO YIN.

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*The inclosures herein referred to are the notes of November 7 and 11 from and of December 10 to the Minister of China.

[Inclosure.]

Residents of Whidbey Island to Mr. Tsui.

SEATTLE, WASH., *August 25, 1891.*

To His Excellency CHINESE MINISTER,
Washington, D. C.:

The undersigned white residents of Whidbey Island, in the State of Washington, desiring to see justice done to the Chinese people residing in our midst, represent to you that many Chinese are living in our midst engaged in agricultural pursuits, having leased lands for the purposes of cultivation from the owners thereof; that many of these Chinese persons are laborers, who have been engaged in railroad building and in other similar pursuits, and they have not formed any acquaintance with white people, so that white people are able to identify them; that the officers of the United States connected with the Treasury Department are in the habit of going among these Chinese people and without any warrant issued by a proper court, or without any proof other than mere suspicion, arresting them, and without any evidence whatever taking them before a United States commissioner and there requiring them to furnish satisfactory white evidence that they are lawfully in the United States, and on failure to do so the commissioner orders them deported to China. Many of these Chinese people so arrested have no means whatever to employ attorneys and they are constantly harrassed and annoyed by these unwarrantable arrests.

Believing that injustice is being done to these Chinese people, we desire by this means to call your attention to the same, that the matter may be properly laid before the President and his Cabinet, that the evil may be remedied.

Albert H. Kellogg, Wm. B. Engle, Daniel Pierson, A. W. Cook, T. W. Calhoun, F. H. Le Lourd, A. H. Kolme, Geo. Paddon, H. C. Power, Robert Brown, G. W. Morse, T. F. O'Ceary, James Gillespie, John Chase, J. S. Thomas, W. H. Race, J. R. Sherwood, Sabine Abbott.

Mr. Tsui to Mr. Blaine.

CHINESE LEGATION,
Washington, November 27, 1891. (Received November 28.)

SIR: Under date of July 10, 1889, this legation submitted to you a form of certificate proposed to be issued by the Chinese Government in accordance with the provisions of the treaty of November 17, 1880, and section 6 of the act of Congress of July 5, 1884, to enable Chinese merchants and others of the exempt class to enter the United States; and, under date of July 25, 1889, your Department communicated to me the gratifying information that the form of certificate had been examined by the Treasury Department and had been found satisfactory by that Department.

The form of certificate was thereupon forwarded to the Imperial Government, and being approved by it has been sent to the various maritime provinces for the observance of the proper authorities. This legation was informed several months ago by the consul-general at San Francisco that the customs authorities of that port had refused to permit the landing of the holders of such certificates issued by the authorities of Shanghai and visé̊d in due form by the United States consul-general, on the alleged ground that it was believed some fraud had been practised in obtaining the certificates. As soon as this fact was brought to my attention I at once communicated with the viceroy of Nanking, immediate superior of the Shanghai authorities, asking for a thorough investigation and the severe punishment of the officials who should be found guilty of any frauds in connection with this matter.

By the last mail I received an official reply from the viceroy of Nanking, with a detailed report of the investigation, which shows that the

certificates before they were issued had passed through a strict examination and the regular routine, and that no irregularity or fraud had been practiced by any Chinese official respecting the issuing of the certificates. In addition to this I am informed that more peremptory instructions have been given to the authorities to whom are intrusted the duty of issuing the certificates, to exercise the greatest strictness, and orders have been issued to visit with severe punishment any abuse or fraud in connection with this business.

I have, therefore, to respectfully request that you will be so kind as to bring the foregoing facts to the attention of the Secretary of the Treasury, and ask him to instruct the customs authorities of San Francisco and elsewhere to hereafter take cognizance of such certificates as valid, and to give their holders the least trouble possible on their landing, and thereby cause the treaty stipulations between the two Governments to be respected.

I improve the occasion, etc.,

TSUI KWO YIN.

Mr. Blaine to Mr. Tsui.

DEPARTMENT OF STATE,
Washington, December 8, 1891.

SIR: I have the honor to inclose, in further reply to your note of 26th October last, relative to the alleged improper interference of Treasury officials with Chinese residing on Whidbey Island, State of Washington, a copy of letter from the acting Secretary, Mr. Spaulding, and of papers therewith, communicating the result of a special investigation on the subject.

Accept, etc.,

JAMES G. BLAINE.

Mr. Spaulding to Mr. Blaine.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 3, 1891. (Received Dec. 4.)

SIR: Referring to your communication of the 30th of October last, with which was transmitted copy of a note of the minister of China to this capital, and of the petition which accompanied the same relative to the alleged improper interference of Treasury officials with Chinese residing on Whidbey Island, in the State of Washington, I have the honor to herewith inclose for your information copy of a report dated the 21st ultimo, and of its accompaniments from Special Agent C. J. Mulkey, who was instructed to investigate the subject.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

Mr. Mulkey to Mr. Foster.

OFFICE OF SPECIAL AGENT, TREASURY DEPARTMENT,
Tacoma, November 21, 1891.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, transmitting copies of a communication of the 26th ultimo, addressed to the Secre-

tary of State by the Chinese minister at Washington, and its accompanying petition in relation to alleged improper interference by Treasury officials with Chinese residing on Whidbey Island, State of Washington, and instructing me to investigate the subject and to summit a report of the result with as little delay as practicable. The petition represents that officers of the United States connected with the Treasury Department are in the habit of going among Chinese persons who are engaged in agricultural pursuits on said island and without any warrant issued by a proper court, or without any proof other than mere suspicion, arresting them, and without any evidence whatever taking them before a United States commissioner and there requiring them to furnish white evidence that they are lawfully in the United States and on failure to do so the commissioner orders them deported to China.

Upon making a careful investigation of the matter I have ascertained that the petition in question was instigated and prepared by certain attorneys at Seattle who were employed in the defense of the Chinamen hereafter referred to and that several of the persons signing the same, notably two, whose letters are herewith inclosed marked Exhibits A and B, did so under mistake and misapprehension of the facts; that the only ground for the presentation of such petition exists in the fact that during the month of August last some eighteen Chinese laborers were arrested on said island for being illegally in the United States; that these Chinamen were not arrested on mere suspicion nor without warrant from a proper court, inasmuch as on the contrary they were, after due consultation with Mr. P. H. Winston, the United States attorney for this district, and submission of evidence to him, arrested by Chinese Inspector Munn, upon warrants duly issued by a United States commissioner in the manner prescribed by the statutes; that the said Chinese were from the time of their arrest and until their discharge (eight having been discharged by the commissioner upon the hearing before him and ten by Judge Hanford upon appeal) treated in the same manner as other United States prisoners are treated, and fed with the same rations, and that, so far as I can learn, the evidence upon which the warrants were issued and the persons arrested fully justifies the action of the United States Chinese inspector. The evidence went to show that some of these Chinese were recognized at "Diegalah Bay" while passing on their way to the Chinese quarter of the island from a section where no Chinese are employed, and that they had but recently landed on the west bank, while as to others the proofs indicated that they had been on the island but a few days and that they had not reached there from any United States port.

I may further state that the geographical position of Whidbey Island with its innumerable coves and hiding places and its close proximity to Victoria and other places in British Columbia, renders it a favorable resort for the illegal introduction of Chinese laborers, and that it is without doubt true that large numbers find their way to that island by canoes and small craft at night.

In connection with this matter I inclose a communication addressed to the Secretary of the Treasury by a large number of the citizens of Whidbey Island (Exhibit C.)

Respectfully, yours,

C. J. MULKEY,
Special Agent.

EXHIBIT A.

Mr. Pearson to Mr. Munn.

COUPEVILLE, *November 17, 1891.*

SIR: In relation to a petition, a copy of which I now have, and which I return to you, I wish to say that at the date of signing the petition I was misinformed, and accept your explanation and believe your actions to have been honorable and just.

DANIEL PEARSON.

Mr. C. E. MUNN,
Chinese Inspector.

EXHIBIT B.

Mr. Gillespie to Mr. Munn.

COUPEVILLE, WASH., *November 19, 1891.*

SIR: In relation to a petition to the honorable Chinese minister, signed by me on August 25, 1891, I wish to say that I was misinformed of the facts at the time of signing the same, and believe your actions to have been honorable and just.

JAMES GILLESPIE.

C. E. MUNN,
Chinese Inspector.

EXHIBIT C.

Residents of Whidbey Island to Mr. Foster.

ISLAND COUNTY, STATE OF WASHINGTON,
Coupeville, November 17, 1891.

We, the undersigned citizens of the United States and residents of Whidbey Island, beg to submit the following facts in relation to a petition signed by eighteen citizens of this island, asking protection for Chinese laborers resident on said island from unjust molestation at the hands of Treasury agents and United States commissioner:

First. The conditions of facts set forth in said petition of August 25, 1891, are without truth and foundation in every instance.

Second. To us it is firmly believed that, with few exceptions, at the time said petition was signed, nearly all Chinese residents on Whidbey Island were unlawfully on said island.

Third. That while we believe in the rights of all residents of whatever nationality, we protest against any insinuations that advantage in any respect was taken in the efforts of the Treasury agents to enforce the provisions of the Chinese restriction act which have occurred on Whidbey Island.

Fourth. That we believe said petition of August 25, 1891, was drafted at the instigation of certain lawyers, resident in Seattle, Wash., and who have long been employed as the attorneys for the Chinese firms interested in smuggling Chinese laborers into the United States and on Whidbey Island.

Fifth. That we believe in the honor and integrity of the officials who were interested in the enforcement of the Chinese exclusion act at the time said petition of August 25, 1891, was signed, and heartily indorse their actions as being conscientious and honorable, and strictly in accordance with law and justice.

J. B. LIBBEY and others.

Mr. Pung to Mr. Blaine.

CHINESE LEGATION,
Washington, February 5, 1892. (Received February 6.)

SIR: I have the honor to inform you that, from a report just received from the Imperial Chinese consul general in San Francisco, I learn that various residents of Butte City, Mont., have been obstructing in their lawful business and outrageously treating the Chinese subjects in that place, which fact I feel constrained to bring to your notice in the hope that you will kindly cause prompt protection, as guaranteed by the treaty stipulations, to be extended to them.

It appears that in the month of November last various labor unions of Butte City passed a regulation prohibiting the people in the said city against trading and dealing with the Chinese subjects resident there, and at the same time placed guards at the front of the Chinese stores to arrest and punish any native who should be found to infringe the regulation. Subsequently the labor unions forbade the native landlords to hire any more of their houses to the Chinese, and ordered them to raise the rents of houses already tenanted by them. They further required the Chinese laundrymen to register their names, and attempted to extort from them each $10 for the same. Upon their refusal to comply with their demand the lawless people fired at them and assaulted some of them about the head with their pistols, so grievously wounding them that their lives were in peril.

As the Chinese subjects resident in the United States are entitled to the protection of the laws of the country and guarantied to them by Article III of the treaty of 1880 between China and the United States, I beg respectfully to solicit immediate relief on the part of the outraged Chinese of Butte City, and hope that the necessary instructions may be

issued to the local authorities of the State of Montana to take prompt measures for the suppression of such illegal actions and outrages committed upon the Chinese subjects there.

Accept, etc.,

PUNG KWANG YU.

Mr. Blaine to Mr. Pung.

DEPARTMENT OF STATE,
Washington, February 8, 1892.

SIR: I have the honor to acknowledge the receipt of your note of 5th instant, and to say that on hearing from the governor of Montana, who has been asked to investigate the alleged oppressive acts against your countrymen in Butte City to which you call attention, I shall address you further.

A copy of your note has already been sent to the Attorney-General.

Accept, etc.,

JAMES G. BLAINE.

Mr. Wharton to Mr. Tsui.

DEPARTMENT OF STATE,
Washington, March 4, 1892.

SIR: In further reply to the note of your legation of 5th ultimo, I have the honor to say that the governor of Montana has personally investigated the subject of the complaint touching certain alleged acts of oppression against Chinese subjects at Butte City in November last, and I inclose a copy of the pertinent part of his report. In the case of Fowler, which is believed to have been the particular occasion for the complaint which was made to you by the imperial consul-general at San Francisco, the record discloses that although the evidence in the case was conflicting the jury returned a verdict of guilty, and Fowler has been sentenced to the penitentiary for two years.

I trust that the report of the governor of Montana will be satisfactory to you as establishing that everything possible has been and is being done to afford Chinese subjects in Montana the full and equal protection of the law.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure.]

Governor Toole to Mr. Blaine.

THE STATE OF MONTANA,
EXECUTIVE OFFICE,
Helena, February 23, 1892. (Received February 27.)

Further replying to your note of the 8th instant, with inclosure from the chargé *ad interim* of China at Washington, specifying certain acts of oppression alleged to have been committed by the labor union of Butte City, in this State, upon his coun-

trymen residing there, I have the honor to inform you that, accompanied and assisted by the attorney-general of Montana, I visited Butte City, and, pursuant to your request, have investigated the alleged acts of oppression referred to as having occurred in November, 1891.

My investigation was public and exhaustive, and revealed the following state of affairs:

In the month of April, 1891, the health officer's report of Butte City disclosed the fact that 841 Chinamen were residing in that city. In November, 1891, a census taken by direction of one or more labor organizations showed that the Chinese population had increased to 1,750, who were engaged in various occupations at wages below the current prices for the same kind of labor performed by other persons and to the exclusion of other worthy people, whereupon the labor organizations of Butte City instituted a "boycott" against the Chinese, but did not in fact make the same operative until January 1, 1892, since which time it has been observed by the members of such labor organizations. The effect of this "boycott" is to withdraw from the Chinese residing there all patronage of members of the various unions, but in no instance has a labor union, directly or indirectly, used force or violence respecting these people. Nor can it be shown that in any assault committed upon the Chinese that the assailant was a member of a labor union. Whatever may be said of the propriety of "boycotting" by means of which people or a class of people voluntarily withdraw their patronage from others, I know of no law in this State to prevent it.

Not an instance was brought to my notice, nor do I believe that one can be found where force or violence was employed to enforce any demand of the unions.

It is fair to say in this connection that the Chinese are not the only persons who are the objects of "boycotts" at Butte City, but that sundry merchants and other persons, without regard to nationality, are embraced within it, and so published to the world.

It is doubtless true that isolated cases of assaults upon Chinamen have occurred at Butte within the last three months. The persons committing the assaults belong to the criminal classes and in nearly every instance were promptly arrested and punished. The court records show that during the present month four persons were tried, convicted, and sentenced for offenses committed against the persons and property of Chinese.

I am confident that the charge of extorting money from Chinese laundrymen by force and violence grew out of the arrest of one Arthur Fowler on January 16, 1892, who entered a laundry, demanded money, and in default of which, fired at the keeper, and beat him about the head with his pistol.

The most intelligent Chinaman whom I met in Butte, and who represented his countrymen in the investigation, told me that he knew of no other case where a similar demand was made, and that the consul-general at San Francisco who formulated the complaint had misunderstood the purport of the telegram sent him on the subject. Fowler has been in jail since his arrest, awaiting his trial at a regular term of court. He was, on the 18th instant, tried and convicted of the crime of assault with intent to kill and sentenced to the State penitentiary for two years. I will inclose a copy of the information, testimony, and judgment for your inspection as soon as the same can be procured. I know of no offense committed against the person or property of Chinese in that city where diligence has not been used to arrest the offenders.

The most recent case that has come to my attention is the burning of a Chinese laundry about ten days ago at Meaderville a few miles distant from Butte. Warrants for the arrest of the guilty parties were immediately put into the hands of the sheriff of the county, who has made and is making every endeavor to apprehend them, and in the event of a failure so to do, then I am assured that a special grand jury will be called, thereby affording ampler facilities to that end.

I inclose a letter from the sheriff of Silver Bow County, showing that no discrimination is made against Chinese in that county, but that they receive the same protection afforded other residents of the city and county.

Trusting that the foregoing report may be satisfactory to the chargé *ad interim* of China at Washington and his countrymen,

I have, etc.,

JAS. K. TOOLE,
Governor of Montana.

Sheriff Lloyd to Governor Toole.

BUTTE CITY, MONT., *February 17, 1892.*

DEAR SIR: With reference to the protection afforded Chinese subjects in this city and county, I beg to make the following statement, to wit:

I have had and have at this date the following regularly-appointed deputies, stationed at the following points in this county:

H. Hankley at Silver Bow Junction; Charles Wedlake at Meaderville; S. Hall and W. E. Harris at Centerville and Walkerville; Deputies Ruddies Gillette and Collins at South Butte. I have also special deputies stationed at all railway (depots) entering this city and county. These deputies as above mentioned have all been instructed by me to arrest any and all persons found interfering with Chinamen in their lawful and usual avocations. And I have at the request of Chinese merchants appointed special deputies to protect China laundrymen against the unlawful acts of half-grown boys in throwing stones and snowballs. These specials have caused the arrest of several persons for such offenses, and in every instance the parties have been prosecuted, so that at this date very few complaints reach this office.

In short, I have endeavored to offer the same protection to the Chinese as to all other residents.

I am, etc.,

JOHN E. LLOYD, *Sheriff.*

Mr. Tsui to Mr. Blaine.

CHINESE LEGATION,
Washington, March 22, 1892. (Received March 23.)

SIR: I have to write to you now respecting a matter about which it is not pleasant for me to trouble you, and which I would not do if my duty to my Government did not compel me.

As you know very well, the minister who represented the Imperial Chinese Government before me sent you and Secretary Bayard long notes about the violation of the treaties by the American Congress, and, no replies having been sent, I also, instructed to do so by my Government, have written you more than once on the subject. It has made me very sorry to have been the minister of my country in Washington so long without being able to obtain a reply to these notes about a matter in which China is so much interested.

You will not forget that I have frequently taken occasion in my visits to you at the Department to speak to you about this subject, and that I have been promised by you a reply. I have written of this promise to my Government, and you will not be surprised when I say that it can not understand why the promised reply on so important a subject is not sent. Before my late visit to Cuba I spoke to you about it, and again when I called on you at the Department after my return, and on both occasions you assured me that an answer should be sent very soon.

I would not trouble you now, but I have very lately received urgent inquiries from the tsung-li yamên and from the Viceroy Li Hung Chang, instructing me to again press for an answer to those notes of the legation. I beg, therefore, that you will do me the favor to send me a note about this matter very soon.

I am more anxious than ever to know what you think about this matter, because I hear that more bills are proposed in the American Congress which, if they are favorably voted, will make still further violations of the treaties. Thus it seems to me that while the Congress is so anxious to enact laws against the Chinese, it does not consider how

much it disregards the observation of the treaty stipulations; but this is not what my Government expects of the United States Government.

Accept, etc.,

TSUI KWO YIN.

Circular note of the foreign office in Peking, left with Mr. Wharton by the Chinese minister March 24, 1892.

[Translation.]

Whereas the posting up of anonymous cards in the streets is prohibited by laws which are very strict in that respect. Ever since the suppression of the Long-haired and Nienfei rebellions, peace has been reigning all over the country; but the scattered militiamen who have been discharged, as well as the idle people, whenever they intended to revolt against the Government, would invariably make the preaching of the foreign missionaries as their good cause, with a view of enlisting popular sympathy. Thereupon they spread about prophetic songs and idle tales in tracts printed by them with illustrations, which being so vulgar and disgustful that no decent person would read or glance at them. However, the ignorant people, like some credulous persons who could easily be scared by a false alarm that there is a tiger at large in town, would always be apt to be incited to the commission of some very serious crimes; hence the cases of missionary riots during the present year have been the results of the above-mentioned prophetic songs and false rumors. Some time ago we received a telegraphic dispatch from the viceroy of Hukwong, in which he stated that such prophetic songs and false rumors are the root or cause of all troubles, and that any perpetrator of the said crime, when, convicted thereof, should be at once executed, which is a proper measure consistent with the excellent method of timely removal of fuel from a fire. It is therefore necessary that all local authorities should use their strenuous efforts in searching for, apprehending, and punishing the offenders; and, furthermore, it is also necessary that the authorities of all provinces should unitedly work together in the same direction, to the end that any approaching danger may be nipped in the bud.

We have repeatedly received from Mr. Brandt, the German minister at Peking, printed tracts and statements slandering the western religions and all kinds of prophetic songs and pictures, and what was worse still, forged official documents of our yamên, as well as false official proclamations and letters of governors-general and governors, and also forged memorials to the throne, which were apparently the works of crafty and malicious persons. We have sent copies of the above-mentioned tracts, etc., to all the governors-general and governors who are affected thereby, with a request that they make inquiries, cause the apprehension and severe punishment of the perpetrators, for these false rumors would not only interfere with national intercourse, but would easily cause a rupture between nations. It is more necessary that the offenders should be severely dealt with for the maintenance of the domestic government of China.

It is therefore our duty to communicate with you on the subject and request that you command all the officials under you to make inquiry and prohibit the posting of anonymous placards in the streets, etc., which, when seized, should be destroyed by fire, and to arrest and severely punish any person guilty of same, in order that possible danger may be averted. We hope to receive an answer from you.

Mr. Blaine to Mr. Tsui.

DEPARTMENT OF STATE,
Washington, March 29, 1892.

SIR: I have the honor to acknowledge the receipt of the translation, which you were kind enough to leave at the Department on 24th instant, of a circular of the Imperial Government, dated January 7, 1892, apprising the governors of all the provinces of the Empire of the attitude of the Government toward the fomenters of civil discord. Thanking you for the information, I avail, etc.,

JAMES G. BLAINE.

Mr. Tsui to Mr. Blaine.

CHINESE LEGATION,
Washington, D. C., April 12, 1892. (Received April 12.)

SIR: In your absence from the Department on yesterday I called upon Mr. Wharton, the Assistant Secretary of State, and communicated to him the substance of a telegram which I received on the day before from the tsung-li yamên, communicating that it had received information of the passage of a bill by the House of Representatives of the United States prohibiting the future coming of Chinese to the United States, and I was directed to bring the matter to your attention, in view of the fact that the said bill was understood by the tsung-li yamên to be in violation of our treaty stipulations.

In answer to my inquiry as to what course I should adopt in view of this instruction, Mr. Wharton stated that if I should send a note to the Department setting forth the views of my Government the Department would take pleasure in transmitting a copy of it to the Committee on Foreign Relations of the Senate, which I understood from him had the bill now under its consideration. I beg, therefore, to direct your attention to the fact that the said bill violates every single one of the articles of the treaty which was negotiated in 1880 by the Commissioners who were sent out from your Government to China for the express purpose of agreeing with the Chinese Government upon such a treaty as the Government and people of the United States wanted, by which to regulate the immigration of the people of China to the United States. The record of the negotiations which took place in 1880 will show that the American Commissioners laid before the Chinese Government the terms of the treaty which they desired and which they said would prove satisfactory to their people. In answer to their request the Chinese Government made that treaty and have since that time sought in all ways within its power to have this and all other treaty stipulations between the two countries faithfully executed so far as the Chinese Government is concerned. My Government can not, therefore, understand why a bill should now be introduced into Congress which violates outright all the provisions of that treaty, which was made at the express request of the United States.

The bill about which I now write you not only violates Article 1 of treaty of 1880 in making absolute the prohibition of the coming of Chinese laborers to the United States, but contains legislation which is in violation of the last clause of the article, which says that the leg-

islation shall not be of such a character as to subject the laborers to personal maltreatment or abuse.

It violates Article 2 in that it prohibits the coming to the United States of teachers, students, merchants, or Chinese subjects from curiosity or travel, as it also excludes all their body and household servants. The bill further prohibits the return of Chinese laborers who are now in the United States, and who, according to the treaty, were to be "allowed to go and come of their own free will and accord."

It violates Article 3 in that it does not grant to Chinese subjects in the United States "the same rights, privileges, immunities, and exemptions" as are "enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty." The bill, besides subjecting the Chinese in the United States to various annoyances and penalties, also requires that they shall take out a certificate of residence, which certificate is required to contain a photographic copy of the applicant, together with other restrictions and penalties, which, as I am informed, is not required of the citizens or subjects of any other foreign country now living in the United States.

I beg that you will, Mr. Secretary, exert your influence with the committee before whom I learn from Mr. Wharton the bill is now being considered, believing that you have the same interest and desire as the Chinese Government to preserve inviolate the solemn treaty stipulations which have been made between the two Governments.

I send to you, with this note, an original statement signed by Mr. Phelps, the collector of customs of San Francisco, and also a copy of the same, which shows that since the restriction act of 1882 went into effect the number of departures of Chinese from the port of San Francisco have exceeded the arrivals by 32,000 persons, which statement would seem to indicate there is no occasion for alarm as to the increase of Chinese immigration into the United States. After you have compared the original statement with the copy, in order to be satisfied of its authenticity, I ask that you will return the original to me.

Accept, sir, etc.,

TSUI KWO YIN.

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
San Francisco, Cal., March 30, 1892.

Arrivals and departures of Chinese at the port of San Francisco from date of the restriction act, August 5, 1882, to December 31, 1891.

	Arrivals.	Departures.
From August 5, 1882, to December 31—		
1885	18,703	40,221
1886	6,714	12,267
1887	11,572	9,919
1888	17,981	8,661
1889	1,017	6,909
1890	2,725	8,229
1891	2,122	6,719
	60,835	92,925
Excess of departures	32,090	

The above is a correct statement, taken from the records of this custom-house.

T. G. PHELPS, *Collector.*

Mr. Tsui to Mr. Blaine.

CHINESE LEGATION,
Washington, D. C., April 21, 1892. (Received April 21.)

SIR: On the 12th instant I had the honor, under the instructions of the Imperial Government at Peking, to submit to you its views respecting the legislation now pending in the Congress of the United States as to the coming of Chinese to the United States. Since the date of that note I have received a second cablegram from the Tsung-li Yamên, in which I am instructed by it to urge upon you the importance to both Governments of the preservation of our existing treaties, which the pending legislation threatens to destroy. I can only repeat my earnest desire that you will do whatever you can to prevent any violation of these treaties by the Congress of the United States.

Accept, sir, etc.,

TSUI KWO YIN.

Mr. Tsui to Mr. Blaine.

CHINESE LEGATION,
Washington, May 5, 1892. (Received May 5.)

SIR: I learn from the reports of the proceedings of the Congress that the bill concerning the Chinese, about which I have written and talked with you, has finally been passed by that high body, and I am told that it only remains for it to secure the name of his excellency the President to become a law of this country. I have already protested to you against it as a violation of the treaty of 1880, and I now want to make use of the privilege which is secured to me by Article 4 of that treaty, to bring the matter to your notice in the most urgent manner that I can, and ask you to lay what I have to say before his excellency the President before he shall act upon the bill which has just passed the honorable Congress.

In the notes which my predecessor and I have sometime ago sent to your Department we have shown how the Scott bill, passed by the Congress of 1888, was a clear violation of the treaty of 1880. Your own silence on the subject must be understood to be a recognition that what we have charged is true. In fact, your own Supreme Court has admitted that. Now, the Congress, in the bill which has just been voted, has a provision that this bad law shall be kept in force.

But this bill does even worse injury than the Scott law. In its section 5 it denies to Chinese the right of bail in habeas corpus suits. One of the honorable Senators, who, I have heard, is a very fine lawyer, stated in the Senate that this section "was inconsistent with one of the fundamental principles of justice that exists in China, America, and everywhere where God reigns." You must agree with me, Mr. Secretary, that it violates sections 2 and 3 of the treaty of 1880.

Section 6 of the bill makes it necessary for all Chinese laborers to get a certificate from the collector of internal revenue to entitle him to remain in the country. The collector may give it to him if he wants to, and if he does not want to the Chinese must leave the country, as there is no method provided to compel the collector to do justice to the Chinese laborer. If a Chinese is arrested for not having a certificate he must

prove by a white man that he is entitled to be in the country, and as the first law prohibiting Chinese laborers coming to the country was passed just ten years ago, the laborer must find a white man who knew him on or before 1882. The laborer who is now in Washington City, or Texas, most likely lived in California in 1882. He must go to California and see if he can find a white man who knew him ten years ago, and return with the evidence to the place where he now lives. One of the Senators from Texas said that Chinese in his State would have to travel 500 miles to find a collector to give the certificate, and he would have to take a white witness with him. In pointing out some of these difficulties, the Senator from Connecticut said that the law practically meant that all the Chinese laborers now in the United States would have to depart within a year and leave their possessions and their property, and in some instances their families. And the honorable chairman of the Committee on Foreign Affairs said the same thing, and he compared this provision of the law to some of the regulations of the old slavery times before the great war which you fought to get rid of slavery; and he said, also, that it was precisely like the ticket-of-leave practice of the Australian convicts.

The same section permits a Chinese to be arrested without any warrant or authority, and then he is required to prove his innocence before the court. I do not claim much knowledge of American law, but I had supposed that in all good and just governments a man had to be proved guilty before he could be punished. And I see that in the discussion of this bill Senators who have been educated as lawyers, and understood your laws, have declared that such a provision is contrary to all your law principles and practice and denounced it as "unquestionably an act of barbarous legislation."

These are some of the objectionable provisions of this bill which is now before his excellency the President. I could point out others, as they have been mentioned by honorable Senators, but it is a waste of your time for me to do so, as both the President and you are so much better informed than I am as to the law principles which govern your country, and which have made it one of the most enlightened nations of the world. It only remains for me to direct your attention to the stipulations of articles 2 and 3 of the treaty of 1880, and to ask you and his excellency the President to see how plainly section 6 of the bill now before the President violates those stipulations.

In the unanswered note of my predecessor to your Department, dated January 26, 1889, the circumstances under which the treaty of 1880 was negotiated are told, and I beg you to have the President read that note. (See Senate Ex. Doc. 41, Fifty-first Congress, first session, p. 5.) This action of my Government in making the treaty of 1880 at the particular request of your Government, as well as its conduct at other times, led one of your predecessors, Mr. Evarts, to say in the Senate that China has always made whatever treaty stipulations and changes the American Government ever asked, and had always been most conciliatory in its negotiations. Under such a state of relations I can not understand why the honorable Congress should be so hasty to pass laws which violate the very treaty which your Government asked China to make, and I can not believe that the enlightened Chief Magistrate of this great country will join with the Congress in such treaty violation by approving this bill. Relying upon you, Mr. Secretary, to use your powerful influence to prevent such a sad event, I improve this occasion to assure you of my highest consideration.

TSUI KWO YIN.

Mr. Tsui to Mr. Foster.

CHINESE LEGATION,
Washington, D. C., November 7, 1892. (Received November 7.)

SIR: In compliance with instructions from the Imperial Government, and also in answer to the prayers of numerous petitions received from Chinese residents of the United States, it again becomes my duty to call your attention and the attention of the President of the United States to the unjust, unfair, and discriminating legislation of the Congress against my countrymen, which has been enacted regardless of their vested rights and in violation of the solemn treaty stipulations now in force between the Imperial Chinese Government and the Government of the United States.

In my communication to your predecessor of March 26, 1890 (in which I referred to communications of my predecessor of January 26, 1889, and July 8, 1889, upon the same subject), there was a full discussion of the provisions of the act of Congress approved October 1, 1888, and to which reference is now made, with the request that the argument and presentation of the question therein may be read and considered as a part of this note.

On October 1, 1890, not having heard from your predecessor in response to my note of March 26, 1890, I was impelled by an urgent sense of duty to transmit another note to the Department of State requesting attention to former communications, and asking that I might be favored as promptly as possible with the views and intentions of the Government of the United States in regard to the difficulties which had then unhappily arisen, and which still continue to exist between our nations.

On the 6th day of the same month, Mr. Secretary Blaine replied in a most courteous note, explaining the delay, etc., and then said: "The questions which you present have been, and now are, the subject of careful consideration on the part of the Government, and I hope to be able at an early day to convey to you the views of the President in an ample and formal manner."

The promised views and intentions of the President had not been received on December 4, 1890, and I again addressed the Department of State upon the subject, and set forth in my note of that date the objections of my Government to the act of Congress approved October 1, 1888, and the desire of the tsung-li yamên that it should have been repealed before the adjournment of Congress, or modified in such manner as to avoid the hardships that would befall my countrymen by its enforcement, and preserve with honor to both nations the treaty stipulations so solemnly entered into between them; and that my Government had been greatly disappointed to learn of the adjournment of Congress without any action whatever. I also stated in a general way the effect of the law upon the business interests of my countrymen who were, most of them, innocently and without any knowledge of the existence of such a law, brought within its unjust provisions.

Other notes were transmitted to the Department of State upon the same subject, and when I had occasion to make personal calls at the Department, I reminded the Secretary of State of the fact that I had not received the promised communication expressing in a formal manner the views and intentions of the President in relation to the exclusion legislation of Congress of October 1, 1888. The promised views and intentions of the President had not been received when Congress

again convened in December, 1891, and numerous bills were introduced in both Houses of Congress upon the subject of the exclusion of the Chinese from the United States. It may not be out of place to remark here that the object of the introduction of these bills is well understood in both China and the United States.

On April 11, 1892, in the absence of the Secretary of State, I called on Assistant Secretary Wharton and informed him that I had received a cablegram from the tsung-li yamên in regard to the passage by the House of Representatives of what was known as the Geary bill, which was harsher and more objectionable in its terms than any bill that had previously passed either House of Congress, and violated in my opinion every important provision of the treaty of 1880. The substance of the cablegram was communicated to Mr. Wharton, who, in answer to my inquiry as to what course I should adopt, advised me to send a note to the Department setting forth the views of the Imperial Government, and he stated that a copy of such note would be transmitted to the Committee on Foreign Relations of the United States Senate, the committee that would then have the House bill under consideration.

On the next day, April 12, 1892, I presented and filed in the Department of State such a statement as was suggested by Mr. Wharton, in which will be found the objections of my government to the bill, and cogent reasons against its enactment into a law.

On April 21, 1892, I advised the Department of State of the receipt of a second cablegram from the tsung-li yamên upon the same subject, in which I was instructed to urge upon the Secretary of State the importance to both governments of the preservation of the existing treaty stipulations, which the pending legislation threatened to destroy, and repeated my earnest desire that the Secretary of State would do everything in his power to avert the menaced violations of the treaties by the Congress of the United States.

But, notwithstanding my protests against the proposed legislation, on behalf of my Government, the Geary bill was amended by the Senate Committee on Foreign Relations and passed. The amended Senate bill was too liberal in its provisions for those who had proposed the legislation in the House, and when it reached that body the amendments were nonconcurred in, and conferees appointed. The conference committee reported the bill, which was approved May 5, 1892, but not unanimously, inasmuch as some of the ablest of that committee declined to agree to or to sign the report, and opposed its adoption by forcible arguments. The report of the conference committee was, however, adopted in both the Senate and House, and the bill transmitted to the President for his signature.

Under this alarming state of affairs I again addressed a note to the Department of State, renewing the protests and objections to the legislation, insisting that the treaties between the governments should be preserved, and asked the Secretary of State to lay before the President of the United States my most urgent protests for his consideration before he should act upon or give his approval to the bill. I respectfully refer you to said note for my views upon the effect of such legislation, and for a brief statement of the hardships imposed upon my countrymen in the United States by its unjust and personal provisions, which apply to them alone as a class of people, most of whom are legitimate residents of the United States, and entitled to the same protection, privileges, immunities, and exemptions as other residents therein of the most favored nations. But my protest, if considered by the President at all, was disregarded, and on May 5, 1892, the bill received his approval and became a law.

Subsequently to the approval of the act another note was sent to the Department, in which I again expressed my views upon this important question.

The above is a review of the correspondence between the Secretary of State and myself upon the subject now under consideration up to this date, and it scarcely necessary to remark that the same is decidedly one-sided.

I regret most sincerely that I am compelled to say, in a most friendly way, that the proceedings which led to this legislation, and the laws enacted in pursuance thereof, were not required by any existing emergency that had arisen between the two nations, and the harshness of the provisions of such laws, and the admitted violation of the existing treaties between the governments, were unjustifiable, and the course of Congress in this respect can not be justified by anything to be found in the status of China and the United States toward each other at the time.

The important observation may be made here that the haste in which bills relating to the exclusion of Chinese are rushed through Congress present a most deplorable aspect of the question now under discussion. The act of October 1, 1888, known as the Scott law was, I believe, passed without reference to committee, without debate, and without any sort of consideration whatever. At the last session of Congress each House hastily passed bills which crossed each other in the proceedings, and out of which the act approved May 5, 1892, was finally agreed upon in conference and enacted into a law. The Geary bill, which contained most obnoxious provisions, in connection with which there was a minority report in the House, was stricken out in the Senate and the Dolph bill substituted for it and passed, upon which a conference committee was appointed, and the result of their deliberations was the act approved May 5, 1892, as above stated.

In section 13 of the Geary bill, as it passed the House, will be found the following language:

SECTION 13. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations and prescribe the necessary forms to enable the Internal-Revenue Department of the Government to issue the certificates required hereby. Such certificates may be issued by the deputy commissioner of internal revenue nearest the place where such Chinese resides. The certificates shall contain a true photographic copy of the applicant, together with his name, age, local residence, and occupation, and a duplicate of the same shall be filed in the office of the commissioner of internal revenue of the district within which such Chinaman makes application.

The section of the act approved by the President May 5, 1892, is a modified one, and reads as follows:

SECTION 7. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable the collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants. Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

It is conceded that the Imperial Government has not encouraged the emigration of its people from China to the United States, but, on the contrary, in the negotiations between the countries on the subject it has, in the most friendly manner, yielded to the suspension of emigra-

tion, and more friendly treatment was anticipated, therefore, than has been manifested by Congress in the enactment of laws prohibiting the coming of Chinese into the United States.

It was admitted in the debate at the last session of Congress that the passage of the Scott law in 1888 was a violation of the treaty stipulations between the two countries, and also that the passage of the act of May 5, 1892, was a second and more aggravated violation of the same.

For a proper characterization of the legislation by eminent statesmen you are respectfully referred to the debates found in the Congressional Record, first session. From these debates it will be seen that some of the most prominent members of the Senate Committee on Foreign Relations doubted the necessity of any legislation whatever in the last session of Congress, and were of the opinion that the provisions of the act of 1888 were extended to 1894.

I will also add that it was disclosed by these debates that the census shows a decrease in the number of Chinese in the State of California and in the United States, and there was, therefore, no actual reason or necessity for the passage of a law containing additional precautions and restraints against the coming of my countrymen into the United States.

I might with propriety protract this communication by placing before you in detail the numerous hardships that will be entailed upon my people in the United States if the law is allowed to remain unchanged, and if the rules and regulations prescribed by the Treasury Department are sustained and enforced; but these matters are apparent, and will be fully understood by a casual reference to them.

The provisions of the act of May 5, 1892, I am informed, contravene the Constitution of the United States; it is admitted they violate the treaties between China and the United States. Grave questions as to the constitutionality of the act will arise, therefore, for consideration, but inasmuch as these are questions to be presented to another and coördinate branch of your Government I shall not discuss them in this communication, and this reference is made to the subject for the purpose of leading up to the presentation of an important departure in the legislation of the Congress of the United States. This departure is found in section 6 of the act. The crime defined in this section and the punishment prescribed are plainly *ex post facto*, notwithstanding the law has been ingeniously framed with the intention of avoiding its repugnance to the Constitution. But I desire to direct attention more especially to the fact that the Congress has prescribed as a punishment for the noncompliance with the law what is equivalent to banishment from the United States; and I wish to emphasize the fact that this punishment is applicable only to my countrymen. It was surprising to the Imperial Government to find engrafted in the law of the United States any such penalty, especially so when it has been proclaimed throughout the world for over one hundred years that the United States was an asylum for the people of all the nations of the earth. In my surprise I naturally exclaim, is this a step backward from progress, civilization, freedom, and liberty? I can not find words to express my regret or the regret of the Imperial Government at the enactment of such a law, which is applied solely and personally to the Chinese, a large majority of whom are unquestionably lawfully within the United States, engaged in the legitimate pursuits of life, and entitled to the protection of the Constitution and laws, instead of the imposition of such punishment as it is attemped to inflict upon them by the last Congress; and the surprise must be greatly enhanced

when it is considered that such obnoxious and unenlightened punishment is an unwelcome salute from one friendly and favored nation to another, which has at all times and under all circumstances made amity, honesty of intentions and purposes, and the sacred preservation of its treaty stipulations the chief object in its relations with the United States Government. For these reasons, and others heretofore adduced, the statute of 1892 is a violation of every principle of justice, equity, reason, and fair dealing between two friendly powers, and its enforcement should not only be arrested, but the law itself should be summarily repealed, or so altered as to assure my countrymen of the full protection of their rights and immunities, in the same measure that these privileges are secured to the people of other favored nations who are in any manner residing within the boundaries of the United States.

In accordance with what has already been stated, I would most respectfully suggest that the two nations might be relieved of the pending embarrassments which are the immediate result of the legislation so frequently referred to in this note by a repeal of the objectionable provisions of the act of May 5, 1892, or such alteration of the same as will protect my countrymen in their vested personal and property rights in the United States, so that they may continue to remain in said country free from the threatened difficulties, wrongs, and the deprivation of such rights and privileges.

In consideration, therefore, of the past friendship between the respective nations, and in the hope of preserving the same and uniting them more firmly therein, I again communicate to you the respectful request of the Imperial Government, that the matters which form the basis of this and my former notes may receive your early attention, and that the views and intentions of your Government may be elicited and made known to me in an "ample and formal manner."

I again renew, etc.,

TSUI KWO YIN.

Mr. Tsui to Mr. Foster.

CHINESE LEGATION,

Washington, D. C., Nov. 11, 1892. (Received November 12.)

SIR: I have the honor to transmit herewith for your consideration and for the consideration of his excellency, the President of the United States, a communication of the foreign office at Peking, and addressed to Hon. Charles Denby, United States minister, in reply to a note from him dated July 4, 1892, inclosing for the information of the Imperial Government a copy of the act of Congress approved May 5, 1892, and former acts, prohibiting the coming of the Chinese into the United States; also a translation into the Chinese language of the circular letter issued by the Secretary of the Treasury to the collectors of customs in the United States.

The drastic provisions of the act of Congress of May last are reviewed by the foreign office in this note to Minister Denby, and accompanied with the request that such provisions may be explained and construed, especially in the many particulars referred to therein.

It will be observed that Minister Denby is also requested to lay the matters mentioned in the note before the President of the United States, with a prayer that his excellency will cause the late act to be recon-

sidered by the Congress of the United States, to the end that due regard may be paid to the law of nations and to the friendly intercourse between China and the United States.

I most respectfully ask your careful consideration of the communication inclosed, and request that an answer may be made to all the inquiries presented by the foreign office. And I hope I may be pardoned for asking for a response to my note of recent date, as well as to the former notes of myself and my predecessor.

Accept, etc.,

TSUI KWO YIN.

[Inclosure.]

Translation of reply of foreign office in Peking to Mr. Denby, the United States minister.

SIR: We have the honor to acknowledge the receipt of your note, dated July 4, 1892, informing us of your having received from your Government copy of a new act prohibiting the coming of Chinese laborers into the United States, and transmitting for our information a Chinese translation of the circular letter issued by the Secretary of the Treasury to the collectors of customs in the United States, accompanied by the original in English, which contains (1) the new act of May 5, 1892; (2) the act of May 6, 1882; (3) the amendatory act of July 5, 1884, and (4) the act of October 1, 1888.

Legislative measures restricting the immigration of Chinese laborers into the United States received their first sanction from the treaty concluded between China and the United States on the 17th of November, 1880. Subsequently an act was passed by your Congress in 1882 restricting and limiting the immigration of Chinese laborers, the provisions of which are very strict and oppressive. In 1884 your legislators passed an act amendatory to the act of 1882, exercising their power and using their discretion to the fullest extent; still they did not go so far as to openly violate treaty stipulations. But at last, on October 1, 1888, an act was passed regardless of the firm and cordial friendship between the two countries which had existed for decades of years.

We and our ministers at Washington have repeatedly sent in our protests in accordance with the treaty stipulations, but have received no reply from you or the State Department. Furthermore, a new act, consisting of nine sections, was passed and approved May 5 last, continuing the provisions of the amendatory act of 1884 for a period of ten years from its passage. This being the case, we have no alternative but to call your attention to the following objections: Section 2 of the new act says: "That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China." Does the clause "Chinese person or person of Chinese descent" mentioned in this section apply only to Chinese laborers residing in the United States, or to the exempt class also, such as teachers, students, merchants, or persons visiting the United States from curiosity? We should be glad to have some explanation regarding it.

Article 2 of the treaty of November 17, 1880, provides that "Chinese subjects, whether proceeding to the United States as teachers, students, or merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation."

Section 3 of the amendatory act of 1884 provides "that the two foregoing sections shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory." Thus it is clear that the first two sections of the said act can, under no circumstances, be applicable to Chinese merchants and others who belong to the exempt class. Now, the

new act of May 5 last refers generally to Chinese persons without classifying them. Does the clause "to be or remain in the United States" mean that it is a law made and agreed to by both the nations, by which a Chinese person is to be adjudged lawfully or unlawfully to be or remain in the United States?

Section 3 of the new act says: "That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States."

We hold that by the Burlingame treaty of 1868 the right of Chinese laborers to emigrate to the United States is secured and provided for; also by articles 2 and 3 of the treaty of 1880. What more affirmative proof can your Government ask for? Now, this arbitrary assumption of power by your Government is causing the arrest and punishment of Chinese subjects without regard to the binding force of treaty stipulations appears to be in direct conflict with the Constitution of the United States.

Section 4 of the same act provides for the punishment of Chinese persons when convicted of being unlawfully in the United States with imprisonment at hard labor. Let us ask whether the subjects of other nations who are laborers in the United States receive the same treatment. How can you reconcile your Government's action in the matter with that clause in the treaty which provides that to Chinese subjects "shall be accorded the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation."

Section 5 of the same act has the following provision: "That after the passage of this act, on an application to any judge or court of the United States, in the first instance, for a writ of habeas corpus by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay." According to the practice of your courts defendants in bailable cases, though they are subjects of other nations, are entitled to the privilege of being released on bail. If Chinese subjects are refused bail where shall they be lodged? In ordinary proceedings it is impossible for any judge to take up and hear a case as soon as it is brought before him and determine it promptly. It is therefore hoped that the privilege of being allowed to give bail hitherto enjoyed by the Chinese subjects may be continued.

Section 6 of the said act provides: "That it shall be the duty of all Chinese laborers within the limits of the United States, at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that, by reason of accident, sickness, or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of his act; and, if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court. And any Chinese person other than a Chinese laborer having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge."

On inquiry we find that Chinese laborers are scattered over the United States. They are to be found in cities where no Chinese consulate has been established to look after their interests. Most of them can not understand and speak the English language. If they are compelled to apply for a certificate of residence within a year from the passage of the act and are liable to arrest and punishment in case of their failure to comply with the law, Chinese residents in the United States will certainly suffer uncalled-for misery and hardships; but the local authorities will likewise find the work of carrying out the law quite burdensome. The above requirement is in contravention of the spirit of the treaty of 1868.

Sections 7, 8, and 9 define the duties of the officials of the Treasury Department, who are charged with the execution of the act, which seem to differ greatly from the requirements of the amendatory act of July 5, 1884.

Having carefully studied the provisions of the treaties existing between the two countries and the understanding reached in the determination of past cases, and compared the same with the nine sections of the new act, we deem it our duty to request you to lay the matter before the President of the United States for his consideration, with a prayer that his excellency will cause the new act to be reconsidered by the Congress of the United States to the end that due regard may be paid to the law of nations and to the friendly intercourse between the two countries.

Shortly after the passage of the act of July 5, 1884, the President of the United States, in his message to Congress of December 1, 1884, observed that it was necessary for that august body to expound the exact sense and meaning of the words employed in the treaty in relation to the restriction of the Chinese immigration to the United States, and that, as he considered the amendatory act passed by Congress was in contravention of treaty stipulations, he considered it proper to ask Congress to carefully review it and modify some of its provisions. Thus it is evident that, if Congress passes a bill in violation of any treaty stipulation, the President of the United States has the power to ask that body to reconsider its action. Now, most of the nine sections of the new act which continue in force the laws of 1882 and 1884 are undoubtedly in conflict with treaty stipulations and affect Chinese diplomatic officers also. It will be remembered in the year 1886 an unpleasant incident took place, which was occasioned by the collector of customs at San Francisco demanding the production by the minister of his credentials upon his arrival before he was permitted to land. Such action reflects on the honor of your nation and is detrimental to the friendly relations between the two countries. We sincerely hope that your Government, guided by a sense of justice and equity, will discontinue its policy of discrimination against China and its ill treatment of Chinese subjects.

We await the favor of a reply.

Accept, sir, etc.,

Mr. Wharton to Mr. Tsui.

DEPARTMENT OF STATE,
Washington, December 10, 1892.

SIR: I have the honor to acknowledge the reception of your two notes of the respective dates of November 7 and November 11, 1892, concerning the recent legislation of the Congress of the United States "in respect to Chinese subjects" in this country.

In the former of these two notes you refer to certain unanswered notes of your predecessor and of yourself as containing a full discussion of the provisions of the act of Congress approved October 1, 1888. That statute was brought about by the regrettable failure to complete the treaty signed at Washington March 12, 1888. It does not seem necessary at this late date to discuss the circumstances under which the treaty of 1888 failed, or to conjecture whether, had it been duly perfected, it would have served to avert the difficulties or meet the issues which have since arisen. That the failure of that treaty, through the withholdment of the Imperial ratification, exerted a prejudicial influence upon American sentiment thereafter, is hardly open to doubt.

Neither does it seem necessary to the present object to enter into a full historical and analytical review of the variant conditions which have existed in the United States and China since the first treaties were signed in regard to the treatment of aliens. It would not be difficult to show that from the outset the position of the foreigner in China has been one of isolation and exclusion, his rights being limited under treaties to certain specified objects within the narrow limits of the treaty ports, and extended only at the will of the Chinese Government to residence and travel in the interior. The foreign states, by their compacts with China have impliedly recognized the inherent right of that Empire to regulate the domicile and business of aliens within its borders, by soliciting and obtaining from China the limited privileges expressed by the formal treaties and the expanded privileges growing

out of them. Nor would it be difficult to argue with convincing force that the application of this right by China is governed in its manifestations by the inherent immiscibility of the Mongolian and Caucasian races. As are all Europeans to the native Chinese communities, so are the Chinese to the communities of European blood—a people apart, not willing to be engrafted upon the national life, and dwelling under the special license of an artificially created necessity.

You and your predecessors have pointed to the exclusive and repressive treatment of Chinese in the United States and to the acts of lawlessness from which they have suffered. It would be easy to offset this phase of the argument by a recital of the multiplied instances wherein citizens of the United States peaceably dwelling or traveling in China have been the victims of mob violence and of vexatious aggression on the part of the local authorities; but I fail to see the good to flow from such a line of discussion, since the Governments of China and the United States have been alike sincere in their expression of abhorrence for such acts, and practical in their disposition to proffer suitable amends. To pile up past causes of grievance on either side would but embitter the temperate examination of present problems which I am sure is the wish of your Government, no less than of my own, to give to the subject.

Reserving, therefore, all consideration of these aspects of the general question, I confine this communication to the precise points you make touching the recent legislation of Congress in renewing the acts passed for the execution of the treaty of 1880. Those acts being limited in their effects to a fixed term of years, which in the judgment of Congress came to an end in May last, it became necessary to reënact them for a further term, with such safeguards as experience should have shown to be needful. While more precisely providing for the exclusion of new-coming Chinese laborers from our shores, in pursuance of a policy in regard to which the negotiations of immediately preceding years had shown the two Governments to be in substantial accord, the new legislation aimed to meet the case of the Chinese subjects actually residing and laboring in the United States by providing the means whereby their right to remain and enjoy the privileges of residence stipulated in the existing treaties should be confirmed to them by an orderly scheme of individual identification and certification. The statute as completely aims to protect the persons and rights of all Chinese persons entitled to residential privileges as it does to prevent their fraudulent enjoyment by those not entitled thereto.

You are pleased to state that the proceedings which led to this legislation itself were not required by any existing emergency that had arisen between the two nations, but in this you overlook the circumstance that the theretofore existing temporary legislation under the old treaties, was about to terminate by its own time limitation, as also the fact that the abrupt failure of the negotiations for a fuller international accord on the general subject had not only devolved upon the Congress of the United States the necessity for dealing with the matter by the municipal resorts pertaining to sovereignty, but had moreover aroused an unfortunate belief that the attitude of China was obstructive and the claims of China unreasonable. That this belief is without solid foundation I am happy to assume; that it did exist and under the circumstances with good show of reason, must be frankly admitted.

Much of the argument in the preceding notes of your legation, to which you refer and which you incorporate in your present notes, rests upon the assumed claim that the status of Chinese subjects with re-

spect to the body politic of the United States is on the same footing as that of all other aliens of whatever nationality. Neither in the light of international reciprocity nor in that of municipal sovereignty can these assumptions hold good. The restrictions upon foreigners in China are special and onerous, as to vocation, residence, and travel, and are based on the natural barriers which seem to forbid the assimilation of the foreign element with the native Chinese race. This condition of immiscibility is likewise as forcibly present in the case of Chinese in the United States as it is generally absent in regard to aliens of the same race and blood as our own. It is the inherent prerogative of sovereignty to take cognizance of such incompatibilities and to provide special conditions for the toleration of the unassimilable element in the national community. China's treatment of foreigners can only be justified on such grounds. Moreover, this sovereign right is freely exercised by the United States in the adoption of restrictive or discriminatory legislation in regard to any classes of alien immigration whenever the exigencies of the public interests demand and to whatever extent may be requisite.

As I have said, the recent reënactment of the former statutes regarding Chinese persons was accompanied by provisions looking to the formal assurance to the individual Chinaman, lawfully resident in the United States, of liberty of residence and pursuits equally with the citizen of this country, and this, too, without hindrance of the right to establish himself where and how he will in any part of the land. The provisions of this legislation are practically designed to secure to such Chinamen privileges and a measure of individual freedom far beyond those accorded to American citizens in China, both in degree and in the number of those who possess them. While differing in detail they are believed to be, in the main, no less easy of fulfillment than the conditions imposed in nearly every country of the European continent for the civil registry of the inhabitants thereof. You allege the hardship and the unconstitutionality of this legislation. I am unprepared to admit the charge of hardship until the practical application of its provisions shall have demonstrated it by positive proof.

It is regrettable that the attitude of the Chinese themselves appears to be as much one of defiance of the provisions of the statute as that of your Government is of protest against it in advance of a fair trial of its workings.

As for the charge of unconstitutionality brought against the penal provisions of the act in question, that is a matter to be determined, as you are doubtless aware, only by the judicial branch of the Government, which is as freely open to the Chinese subject as to the citizen of the United States. It is the duty of the Executive to enforce the law, and no executive power exists to evade or repeal it.

The province of the executive branch in this discussion is to bring about a better understanding of the matter and to reach a good accord as to the principles involved. Such an accord should not be far to seek. As you say in your note of the 7th November: "It is conceded that the Imperial Government has not encouraged the emigration of its people from China to the United States, but, on the contrary, in the negotiations between the countries on the subject, it has in the most friendly manner yielded to the suspension of emigration." It is perhaps unfortunate that the tangible expression of this friendly disposition went no further than the negotiations which preceded the collapse of the treaty signed in 1888. I see no reason why a better understanding may not be brought about whereby the position of China

shall be rather one of amicable concurrence toward a rational and practical end than one of obstruction to the working of measures the adoption of which has been in a large degree forced upon the legislative power of the United States by the conduct of the Chinese people in this country and by the attitude of the Imperial Goverument in their regard.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

FRANCE.

Mr. Reid to Mr. Blaine.

No. 460.] LEGATION OF THE UNITED STATES,
Paris, December 11, 1891. (Received December 22.)

SIR: On the 5th instant I sent you a dispatch announcing the President's promulgation of the French law fixing the duties on pork and of the two decrees issued the following day (December 4) which withdrew the long-standing prohibition of American pork and provided for its admission into France after American and French inspections. I now send a copy of these documents with a translation of the same.

The long chapter of correspondence relating to American pork in France is thus closed. It has lasted over ten years, has taxed the efforts of this legation under three of my predecessors as well as myself, and has involved negotiations with nine French ministers of foreign affairs. Gen. Noyes entered our first protests against the prohibitory decree of Mr. Tirard, issued by Mr. Grévy on February 18, 1881, addressing them to Mr. Barthélemy St. Hilaire, then minister of foreign affairs. From 1882 to 1885 Mr. Morton wrote on the same subject successively to five ministers of foreign affairs, Mr. de Freycinet, Mr. Gambetta, Mr. Fallières, Mr. Challemel Lacour, and Mr. Jules Ferry. Governor McLane carried on the effort to get this decree removed, with Mr. de Freycinet and Mr. Flourens; and I have had continuous correspondence and personal negotiation on the subject throughout nearly three years with Mr. Spuller and Mr. Ribot. The prohibition was originally imposed during the administration of President Hayes. It has lasted through those of President Garfield, President Arthur, and President Cleveland, and more than half way through the present administration of President Harrison.

On the 27th of November 1883, Mr. Morton obtained from Mr. Jules Ferry a decree withdrawing the prohibition, but the Chamber immediately passed a resolution calling upon the government to suspend the operation of its act, and this was done within a month.

The present government has been ready to withdraw the prohibitory decree since September, 1890, but it was resolved not to place itself in the position of having so just and proper a measure again reversed by a vote of either Chamber. On my suggestion, therefore, it asked first for a separate bill fixing such a duty on pork as the deputies and senators might think consistent with the duties on other articles contemplated in their new tariff, and it gave open notice in both Chambers that it did this with the intention of removing the prohibition. The bill was passed after heated debates, with this distinct understanding, and there seems, therefore, no reason now to apprehend that the action of the government in withdrawing the prohibition can again be reversed.

I have to thank you for the extreme liberty given me in conducting the negotiations and for the firm support I have constantly received.

I have, etc.,

WHITELAW REID.

[Inclosure 1 in No. 460.—Translation.]

Extract from Journal Officiel, December 3, 1891.

The Senate and Chamber of Deputies have adopted;

The President of the Republic promulgates the law, the reading of which is as follows:

Sole Article: Schedule A, tariff of entry of the general custom-house tariff, established by the law of May 7, 1881, is amended as follows:

Salted pork, hams, and bacon, 25 francs per 100 kilos.

The present law, debated and adopted by the Senate and Chamber of Deputies, will be applied as a State law.

Done at Paris this 3d day of December, 1891.

CARNOT.

By the President of the Republic:
The Minister of Commerce, of Industry, and the Colonies,

JULES ROCHE.

The Minister of Agriculture,

JULES DEVELLE.

[Inclosure 2 in No. 460.—Translation.]

Decree of December 4, 1891.

The President of the French Republic, on the report of the minister of agriculture;

In view of the decrees of the 18th February, 1881, and of the 28th December, 1883, by which American pork was excluded;

In view of the sanitary inspection now provided by the Government of the United States for pork intended for export;

In view of the opinions expressed by the ministers of foreign affairs, of finance, of the interior, and of commerce and industry,

Decrees as follows:

ARTICLE 1. Salted pork meats from the United States can be imported into France at points to be fixed by subsequent decree.

ARTICLE 2. Before discharge of cargo, the importers must produce for each shipment a certificate from the inspector of the Department of Agriculture designated by the Government of the United States for the inspection of the slaughter-houses, certifying that the meats are from healthy animals and suitable for human food.

The boxes must bear the official stamp of this inspector.

No shipment can be admitted which does not comply with these requirements.

ARTICLE 3. After their discharge these meats shall be examined by sanitary inspectors appointed by the minister of agriculture, and instructed to make sure of their healthy condition and of their being properly salted.

All meat found unwholesome shall be destroyed in the presence of these inspectors.

ARTICLE 4. The custom-house shall permit the meats mentioned in article 1 to enter the territory of the Republic only after seeing the certificate of the inspectors provided for by article 3, certifying that the meats have been found to be healthy and suitable for public consumption.

ARTICLE 5. The expenses of the inspection prescribed by article 3 shall be paid by the importers, according to a tax fixed by a decree issued on the proposal of the minister of agriculture, on the advice of the consultation committee on epizoötics.

This tax shall be paid to the custom-house collectors.

ARTICLE 6. The decrees of the 18th February, 1881, and of the 28th December, 1883, are repealed, as well as all other regulations which may be in conflict with the present decree.

ARTICLE 7. The minister of agriculture, the minister of the interior, the minister of commerce, industry, and the colonies, and the minister of finance are intrusted with the execution of the present decree, which will go into effect on the 1st January, 1892.

Done at Paris December 4, 1891.

CARNOT.

By the President of the Republic:
DEVELLE, *Minister of Agriculture.*
CONSTANS, *Minister of the Interior.*
JULES ROCHE, *Minister of Commerce, Industry, and the Colonies.*
ROUVIER, *Minister of Finance.*

The President of the French Republic, on the report of the minister of agriculture;
In view of the decree of this day authorizing the importation into France of meats of American origin, and especially of article 1 of said decree;
In view of the opinions expressed by the ministers of foreign affairs, of finance, of the interior, of commerce, industry, and the colonies,
Decrees as follows:
ARTICLE 1. The importation of salted pork meats from the United States of America shall only take place by the ports of Dunkirk, Havre, Bordeaux, and Marseilles.
ARTICLE 2. The minister of agriculture, the minister of commerce, industry, and the colonies, and the minister of finance are intrusted with the execution of the present decree.
Done at Paris, December 4, 1891.

CARNOT.

By the President of the Republic:
JULES DEVELLE, *Minister of Agriculture.*
JULES ROCHE, *Minister of Commerce, Industry, and the Colonies.*
ROUVIER, *Minister of Finance.*

Mr. Reid to Mr. Blaine.

No. 477.] LEGATION OF THE UNITED STATES,
Paris, January 6, 1892. (Received January 18.)

SIR: Some time last spring or summer Count Octave d'Assailly mentioned to me that he had a little relic of Washington which had come to him by inheritance from his great-grandfather, Gen. Lafayette. He asked me if I thought the Government or people of the United States would attach any value to it, to which I replied that they certainly would.

Late this winter Count d'Assailly returned from his country residence to Paris, and again mentioned the subject. He modestly described the object as small and unimportant, but said that while it had for him a personal interest, since it was given to his grandfather by the illustrious American with whom the name of Lafayette was indissolubly associated, he thought that if it possessed any interest for us, its proper place was in America.

In reply, I again assured him that in the United States it would be highly valued, both as coming from the Lafayettes and as having been given to the head of their family by the Father of his Country.

Count d'Assailly then brought me the object he had been describing, which I now have the pleasure of forwarding herewith. It is, as you will see, a pair of eyeglasses, of the fashion of the time, mounted in silver, with an ivory handle by which they could be held to the eyes, and into which, when not in use, they could be folded for the pocket. On the flat side of this ivory handle has been inserted a small silver shield, on which is engraved the name Washington. The eyeglasses have been put by the Lafayettes into a small leather box, evidently made at a much later period, for convenient preservation among their family relics.

Count d'Assailly said that he took great pleasure in returning this object to America. He only asked that it should be known that it was sent back by a great-grandson of Lafayette, whose veneration for the character of Washington and regard for all belonging to him was such as to inspire the hope that this might be added to the other relics of that great man which have been sacredly guarded by the Government of the United States for nearly a century.

In answer to his questions I suggested that probably it would be thought best to place it with other objects personally used by Wash-

ington, which have been kept in the Patent Office, but proposed to ask your opinion. He then authorized me to transmit it at once, saying he would be perfectly content with any disposition of it you might direct.

Count d'Assailly, to whose spontaneous impulse we owe this interesting little gift, is the grandson of Gen. Lafayette's third and last child, Marie Antoinette Virginie de Lafayette, Marquise de Lasteyrie du Saillant. Her third child became the Countess d'Assailly, whose son is the present Count d'Assailly. Like every other descendant of Lafayette I have known (including among them warm Republicans, warm Monarchists, and men indifferent to public affairs) he is an ardent friend of the United States and considers it almost a second fatherland.

I have, etc.,

WHITELAW REID.

Mr. Blaine to Mr. Reid.

No. 391.]

DEPARTMENT OF STATE,
Washington, January 27, 1892.

SIR: I have received your No. 477 of the 6th instant, accompanied by a memento of Washington, an eyeglass of his own, given by him to Gen. Lafayette, and now the gift to this Government of Count Octave d'Assailly, the great-grandson of Lafayette.

It is with much gratification that I convey to Count d'Assailly, through you, expression of the appreciative thanks with which his gift is accepted. Personal relics of Washington must of course always have an unique value in the eyes of his countrymen, but the value of this one is sensibly enhanced by the associations which are inseparable from it, and by the graceful manner of its return to America with such good will and active kindly feeling from the custody of a descendant of the brave, high-minded, generous Frenchman who held so warm a place in the heart of Washington and whose memory it is the grateful duty of our people affectionately to preserve.

This little memento will be placed with other personal relics of Washington in a cabinet in the library of this Department.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Coolidge.

No. 2.]

DEPARTMENT OF STATE,
Washington, June 4, 1892.

SIR: I inclose a copy of a note from the minister of France of January 26 last,* by which, referring to and continuing Mr. Desprez's note of November 3 last,† a copy of which I also inclose, Mr. Patenotre informs me of the conclusion of recent treaties with certain chiefs of the African Ivory Coast, by which their territories have been placed under the protection of France. He states, also, that this notification is made in conformity with the provisions of article 34 of the general act of the conference of Berlin.

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* Printed on p. 170. † Printed on p. 171.

Under these circumstances a few pertinent observations on the part of this Government appear absolutely necessary.

Until the United States shall, by subsequent accession to and ratification of the general act of the conference of Berlin in the manner therein provided, become a party to the stipulations thereof, it will be impossible to determine the due and proper weight to be given by this Government to the declaration and claim which is thus announced.

Not only does the notification carry with it no present constraint upon the United States to recognize and acquiesce in the claims so put forth; but, if the facts are correctly apprehended, and if, as appears, the protectorate claimed by France invades the sovereign jurisdiction of the Republic of Liberia, the Government of the United States could not fail to feel the deepest concern and make earnest remonstrance against such encroachment.

Since 1846, when the territory comprised within the State of Maryland was ceded to Liberia by the native chiefs, the eastern boundary of the Republic has been recognized as extending to the San Pedro River. The protectorate Mr. Patenotre now announces on the part of France extends westward from the San Pedro River to Cavally River, an important stream which empties into the ocean some 65 miles further west, and embraces the Berreby territory.

The Government of France can not be unaware of the lively interest which the United States have in the welfare of Liberia. The fact has been made known on repeated occasions. On January 13, 1886, when it was reported that a French claim of jurisdiction westward of San Pedro River had been set up, my predecessor in office instructed the United States minister to France as follows:

> We exercise no protectorate over Liberia, but the circumstance that that Republic originated through the colonization of American citizens and was established under the fostering sanction of this Government gives us the right, as the next friend of Liberia, to aid her in preventing any encroachment of foreign powers on her territorial sovereignty and in settling any disputes that may arise.

On a very recent occasion, also, the keen interest of the United States in the fortunes of Liberia and our jealous concern that full respect should be paid to the independent and sovereign place of that Republic in the family of nations was conspicuously shown. During the African slave-trade conference of Brussels, in the session of June 16, 1890, the representative of the United States made an explicit declaration of the relation of the Republic of Liberia to the United States and the desire of this Government that the general act should contain an express stipulation to the effect that the Liberian Republic would be invited, as a sovereign power, to adhere to the treaty. The object in view was attained by recording, in the protocol of the session of June 20, 1890, a positive declaration of the sense of the conference concerning the sovereign status of Liberia. Baron Lambermont, president of the conference, in setting forth the positions announced by the United States with regard to the engagements of the general act, eloquently stated the circumstances which led, not only the United States, but all those interested in the cause of humanity in Africa, to attach great importance to the coöperation of the independent and free state of Liberia for the realization of the objects of the conference. "All the world knows," he said, "the history of the Republic of Liberia. Founded with the object of affording a home to certain freed American slaves desiring to return to the mother country, it was destined at the same time to fulfill a civilizing mission upon the Guinea coast. This creation has produced happy results. It began, it is true, under great

difficulties, but this often happens in the early life of new states. This young Republic none the less deserves the sympathies of all those who are interested in the cause of humanity in Africa. It is an independent and free state. Moreover, the conference has every interest in associating it with its work, not only because of the mission Liberia is called upon to fulfill, but also because it is also in a position to lend indispensable assistance toward the execution of several of the clauses of the general act." The British delegate, Lord Vivian, welcomed this declaration of the president of the conference, adding that the place of Liberia had already been fixed among the independent states which were to be invited to adhere to the general act. These important declarations stand, therefore, as voicing the general sentiment of the conference and as recognizing with peculiar solemnity and frank spontaneity the position which the Republic of Liberia has won as a free, independent, sovereign, and equal member of the family of nations, and as an important factor in the development and civilization of Africa.

The position of Liberia in Africa is peculiar and almost isolated. It is one of the few independent sovereignties of that vast continent, and is the only one on the whole Atlantic seaboard. It has exercised sovereign attributes for half a century, competently contracting treaties with foreign states, and preserving its sphere of legitimate control peacefully among the interior tribes and along the coast, in virtue of formal treaties of cession dating back to its earliest history. At no time has Liberia trespassed on the domain of its neighbors or invaded their comparatively recent sphere of influence. Ever paying due respect to the rights of other sovereignties, its attitude has entitled it to unquestioning respect for its own vested rights and to especial sympathy for its fruitful efforts to fulfill what Baron Lambermont has well called "une mission civilisatrice pour la côte de Guinée."

Occupying this position, as Liberia does, and bound to the United States by especial ties, which, strong in their origin, have been further strengthened by half a century of intimate relationship, it is apparent that this Government and people could not behold unmoved, much less acquiesce in, any proceeding on the part of the neighbors of Liberia which might assume to dispose of any territory justly claimed and long admitted to belong to the Republic, without the concurrence and consent of Liberia as an independent and sovereign contractant.

It is proper that France, whose colonial establishments and spheres of protection adjoin the jurisdiction of Liberia to the eastward, should be afforded an opportunity of frankly disclaiming any intention to encroach upon the recognized territory of Liberia.

By the President's direction, you are instructed to bring these views to the attention of the minister of foreign affairs, and to inform him at the same time that the Government of the United States does not accept as valid or acquiesce in the protectorates announced by Mr. Desprez's note of November 3, 1891, or by Mr. Patenotre's later note of January 26, 1892, so far as the same may relate to territory pertaining to the Republic of Liberia westward of the San Pedro River, unless it shall appear that Liberia is herself a consenting party to such transactions.

The President is so firmly convinced that the just rights of independent Liberia will be duly respected by all, that he is indisposed to consider the possible contingency of such expansion of the territorial claims of other powers in Africa as might call for a more positive assertion of the duty of the United States.

I am, etc.,

JAMES G. BLAINE.

Mr. Coolidge to Mr. Foster.

No. 26.] LEGATION OF THE UNITED STATES,
Paris, July 22, 1892. (Received August 1.)

SIR: In compliance with your instructions, under date of June 4, I have addressed to the French Government a note explaining the position of the United States towards Liberia and stating that our Government can not recognize any protectorate assumed by the French Republic over any lands lying west of the San Pedro River unless the Republic of Liberia is a consenting party to such transactions, because the boundary of the Republic has always been considered the San Pedro.

I inclose herewith a copy of this note,* in which I have used, as far as practicable, your own language.

I have, etc.,

T. JEFFERSON COOLIDGE.

Mr. Foster to Mr. Coolidge.

No. 65.] DEPARTMENT OF STATE,
Washington, August 18, 1892.

SIR: I inclose for your information and files, having regard to the Department's instruction No. 2, of June 4, 1892, in relation to the protectorate announced by France over Liberian territory, a copy of a dispatch from your colleague at London, No. 735, of the 5th instant, reporting the substance of interviews between Mr. Lincoln, Lord Salisbury, and the Liberian minister in London upon that subject.†

I have instructed Mr. Lincoln to forward to you a copy of the Parliamentary paper, Africa No. 7, 1892, and of the map showing the British possessions of West Africa (London: Edward Stanford, 26 and 27 Cockspur street, Charing Cross, S. W.), which accompanied his dispatch.

I am, etc.,

JOHN W. FOSTER.

Mr. Coolidge to Mr. Foster.

No. 77.] LEGATION OF THE UNITED STATES,
Paris, November 12, 1892. (Received November 28.)

SIR: I inclose herewith copy of a letter received from Mr. Robert M. Thompson, of New York, requesting me to apply for the necessary authority to issue a passport to Mr. J. Maurice Hubbard, of whom he is the guardian.

The case of Mr. Hubbard has already been the subject of correspondence between the Department and this legation. It is stated

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* This inclosure, dated July 13, is not printed, as it is very similar to the instructions of Mr. Blaine, No. 2, dated June 4, 1892.

† It is understood that in December this year a treaty respecting boundary was celebrated between France and Liberia.

fully in Mr. Reid's No. 428 of October 8, 1891, and was considered by the Department in Mr. Blaine's No. 353 of October 30.

Mr. Hubbard, who was born in France, and who has never been to the United States, renews his application for a passport, because, being now nearly 21 years of age, he finds that he will have to perform military service in France unless he shows that he is an American citizen.

The instructions of the Department were to give him a passport in case he again applied for one and it should appear that he proposes in good faith to perform the duties of American citizenship, but to treat his case precisely as any other where the conduct of the applicant suggests a voluntary abandonment of the rights of protection claimed by him, if it is apparent that he has no fixed intent to dwell in the United States. I see no other indication of such intent on the part of Mr. Hubbard but the statement of his guardian that he is trying to find a situation for him in the United States. I must add that a passport will not be sufficient to release Mr. Hubbard from any military obligations in France. If he claims to be an American, he will be told that his Government must claim him as such. Under the circumstances I submit to the Department whether a passport should be issued to Mr. Hubbard or not.

I have, etc.,

T. JEFFERSON COOLIDGE.

[Inclosure in No. 77.]

Mr. Thompson to Mr. Coolidge.

PARIS, *November 8, 1892.*

DEAR SIR: Referring to the case of J. Maurice Hubbard, correspondence concerning which is already on file in your office, may I ask that you will again apply to the State Department for permission to issue a passport to Mr. Hubbard. Unquestionably he is an American citizen by birth and his long residence in France is due to his attendance upon his mother.

The facts are before you, so I will not trouble you with any further detail of them, except to add that, at his request, I have been trying, as his guardian, to find a situation for him in the United States which would enable him to continue his contribution toward the support of his mother, she being largely dependent thereon.

With great respect, I remain, yours, truly,

ROBERT M. THOMPSON,
37 Wall Street, New York.

Mr. Foster to Mr. Coolidge.

No. 119.] DEPARTMENT OF STATE,
Washington, December 9, 1892.

SIR: Your dispatch No. 77 of the 12th ultimo, relative to the application of Mr. Robert M. Thompson, of New York, for a passport for his ward, Mr. J. Maurice Hubbard, has been received.

The Department assumes that the statement of Mr. Thompson that he is trying to get a position for young Hubbard in the United States, is a bona fide evidence of intention to come and make a home in this country; and a passport, good for one year only, may be given him to assist in the accomplishment of that end.

A passport is the only formal evidence the Department can give that the United States claims Mr. Hubbard as a citizen. If the French Government requires any other proof of claim, it would doubtless be

fully developed in the correspondence which would follow any attempt of the French authorities to disregard the evidence of a passport. But Mr. Hubbard and his guardian should be distinctly advised that this Government can not be expected to manifest any interest in claiming as a citizen a person who is voluntarily withdrawn from the jurisdiction of our laws, and who exhibits no practical intention to fulfill the duties of citizenship. Unless Mr. Hubbard makes good his citizenship within the year, no new passport will be granted him.

I am, etc.,

JOHN W. FOSTER.

CORRESPONDENCE WITH THE LEGATION OF FRANCE AT WASHINGTON.

Mr. Desprez to Mr. Blaine.

[Translation.]

LEGATION OF THE
FRENCH REPUBLIC IN THE UNITED STATES,
Washington, November 3, 1891.

Mr. SECRETARY OF STATE: By virtue of various treaties confirming, for the most part, previous treaties concluded with the chiefs of the country of the Ivory coast, all the portion of that coast comprehended between the Lahon and the river Cavally is placed under the sovereignty or under the protectorate of France.

In conformity with the regulations of Article 34 of the General Act of the Berlin Conference, I have the honor to make known to you the treaties in question which have been ratified by decree of the President of the Republic, dated August 3, 1891, and the enumeration of which is as follows:

(1) Treaty concluded with Cokoi, King of the territories of Moyen Lahon, August 30, 1890.

(2) Treaty concluded with Yéré, King of Fresco, the 31st August, 1890.

(3) Treaty concluded with Akala, King of Grand Drewin, the 25th October, 1890.

(4) Treaty concluded with Ojra, King of Petit-Lahon, the 5th April, 1891.

(5) Treaty concluded with Loffé, King of Kotron, the 12th April, 1891.

(6) Treaty concluded with Levis, King of Grand Trépow, or Trepoint, the 16th April, 1891.

(7) Treaty concluded with Toco, King of Trépow, the 16th April, 1891.

(8) Treaty concluded with the Kings of Grand and Petit Drewin, Dateko and Bassa, and Akala and Kagé the 21st April, 1891.

(9) Treaty concluded with Buggery, King of Sassandra (St. André), the 22d April, 1891.

(10) Treaty concluded with Mani, King of the country situated between the river Cavally and the river San Pedro, the 24th April, 1891.

(11) Treaty concluded with Kougoua, King of San Pedro, the 27th May, 1891.

Accept, etc.,

P. DESPREZ.

Mr. Patenôtre to Mr. Blaine.

[Translation.]

LÉGATION OF THE
FRENCH REPUBLIC IN THE UNITED STATES,
Washington, January 26, 1892.

Mr. SECRETARY OF STATE: In accordance with the letter which Mr. Desprez addressed to you November 3, 1891, I have the honor to announce to you that new protectorate treaties have recently been concluded by the French Government with several chiefs of the Ivory coast.

Conformably to the provisions of the thirty-fourth Article of the General Act of the Berlin Conference, I have the honor to notify you, by direction of my Government, the treaties in question which have been ratified by decree of the President of the Republic, September 6, 1891, and the list of which is as follows:

(1) Treaty concluded with Yacabi, King of Little Drewin, April 25, 1891.

(2) Treaty concluded with Jame, King of Roctown, April 26, 1891.

(3) Treaty concluded with Traga, King of Victory and of the villages Bokion, Douaondé, and Dezah, April 27, 1891.

(4) Treaty concluded with James, or Djemmâ, King of Victory (village of Noumery), April 27, 1891.

(5) Treaty concluded with the chiefs Wobery and Meat Bati, of the villages of Douaondé and Bakion, April 28, 1891.

(6) Treaty concluded with Blabeloy, King of the village of Cavally (rive gauche), Blicrow by name, May 5, 1891.

(7) Treaty concluded with Hyrie, King of Grand Basha (village of Bontlé), May 7, 1891.

(8) Treaty concluded with Tagui and Guié, Kings of Tahon, May 9, 1891.

Accept, etc.,

PATENÔTRE.

Mr. Wharton to Mr. Patenôtre.

DEPARTMENT OF STATE,
Washington, June 8, 1892.

SIR: Referring to your note of the 26th of January last, I have the honor to inform you that in view of the announcement conveyed by your note and the previous one of Mr. Desprez, of the assumption by France of a protectorate over African territory heretofore and for many years recognized as belonging to the Republic of Liberia, an instruction on the subject has been sent to the American minister at Paris.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Patenôtre to Mr. Wharton.

[Translation.]

LEGATION OF THE
FRENCH REPUBLIC IN THE UNITED STATES,
Washington, June 19, 1892.

Mr. SECRETARY OF STATE: I have the honor to call your attention to the following facts which have been brought to my notice as having taken place on the 30th of May last, in the little city of Jeannette, Westmoreland County, Pa. Mr. Auguste Lelang, one of my countrymen residing in that locality, wishing to celebrate Decoration Day, hoisted the American flag between two French flags from his second story window. During his absence one Thomas Spiers, a policeman of West Jeannette, accompanied by two other persons, climbed up to the window in which these emblems were placed, tore down the French flags, threw them into the mud, and tore them. I at first refused to believe that such an act had been perpetrated. It seemed the more inexplicable since the Federal Government, as I am happy to state, has always been glad to assign a place to France when the War of Independence was to be commemorated, and since, on that very 30th day of May, I was requested to furnish a tricolored flag for the decoration of La Fayette's statue. Before asking your attention to the facts in question, which were communicated the very next day to our consul at Philadelphia, I took pains to ascertain their correctness.

You will find inclosed a report of the investigation which has just been held on this subject, at the request of our consul, by Capt. Lejeune, a chevalier of the Legion of Honor, who resides at Jeannette. This report is signed by three of the residents, who were present when the flags were seized and torn. The facts, moreover, do not appear to be disputed. As you will see, the chief of police of Jeannette censured the conduct of his subordinate, but declared that he could not dismiss him, except in obedience to superior orders.

You will doubtless think, as I do, that the best way to close an incident that is so much to be regretted, would be to remove at once an officer who has been guilty of an act which you will certainly condemn as severely as I do. I take the liberty to insist that this case be promptly settled. Our national holiday, July 14, is near; it will call forth, at Jeannette as well as in all places where there are numbers of French residents, patriotic manifestations which will again be the occasion of placing the flags of our two countries side by side, and it is much to be desired that, at that time, the policeman who has been guilty of so vexatious a violation of duty may no longer be in his present position.

Be pleased to accept, etc.,

PATENÔTRE.

[Inclosure.]

Investigation relative to the removal, May 30, 1892, of two French flags from the second-story window of Mr. Auguste Lelang, at West Jeannette, Pa., by a policeman who climbed up to the window for the purpose.

JEANNETTE, PA., *June 15, 1892.*

To the Consul of France at Philadelphia:

Mr. CONSUL: On the 30th of May last, Decoration Day, most of the French residents of Jeannette decorated their houses with American flags. Mr. Auguste Lelang

after having first hoisted the American flag from one of the windows in the second story of his house, afterwards hoisted two French flags, one on each side of the American flag.

As the workshops were closed on that day and the workmen were free, they took advantage of the opportunity to go to merry-makings or meetings. Mr. Auguste Lelang was absent all the afternoon, together with his wife and children, and he had locked his door.

At about half-past 7 o'clock in the evening, after the flags had been undisturbed for almost all day, Thomas Spiers, a policeman of West Jeannette, accompanied by a townsman named John Kockerel, both of them being assisted by a man named Harliman, who lent them a ladder, placed the ladder against the front of the house, climbed up and pulled down the two French flags, which they afterwards tore and threw into the mud. Mr. Auguste Lelang had the remnants of these two flags sent to the consul of France at Philadelphia.

Many women and children witnessed this scene, the men being almost all absent. However, Francois Diffemback, a brewer, Joseph Mommaerts, a baker, and Jean Vertingen, also a baker, saw the act and signed this paper, together with Capt. H. Lejeune, chevalier of the Legion of Honor, who was instructed to make an investigation by the consul of France at Philadelphia.

On the day following Auguste Lelang asked the policeman why he had committed that act of violence and brutality. The policeman replied that he was not responsible to Mr. Lelang for what he had done, and that he had pulled down the flags because he wanted to. Mr. Lelang was not satisfied with this and went to see the squire who has charge of the police of the town, who, while he said that the French residents were right, and disapproved the conduct of the policeman, retained the latter in his place, saying that he was awaiting superior orders before acting.

The foregoing is a correct statement of the facts, and Capt. Lejeune would have informed you of them at once if he had not learned that Mr. Lelang had taken the initiative in the matter.

Consequently the signers of this statement, in which all the French residents of Jeannette concur, they all being proud of their nationality and loving their flag, demand that reparation be made for the insult.

The witnesses signed after the statement had been read to them.

H. LEJEUNE,
DIFFEMBACK,
JOSEPH MOMMAERTS,
JEAN VERTINGEN.

STATE OF PENNSYLVANIA,
County of Westmoreland, City of Jeannette, United States of America.

I, a notary public in and for said county and State, hereby certify that the above statement was duly signed in my presence this 15th day of June, A. D. 1892.

[L. S.] A. L. BETHUNE,
Notary Public.

Examined and transmitted to the minister of France at Washington.
Philadelphia, June 18, 1892.

[L. S.] L. VOSSION,
The Consul of France.

Mr. Wharton to Mr. Patenôtre.

DEPARTMENT OF STATE,
Washington, June 24, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, relative to the complaint of Mr. Auguste Lelang, a French citizen, in relation to the alleged misconduct of Mr. Thomas Spiers, a policeman of West Jeannette, Pa., and to inform you that a translation of your note has been communicated to his excellency the governor of Pennsylvania with a view to any action that may be found proper in the premises.

Accept, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Foster to Mr. Patenôtre.

DEPARTMENT OF STATE,
Washington, July 13, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 19th ultimo, in the matter of the complaint of Mr. Auguste Lelang or Leland, a French resident of Jeannette, Westmoreland County, Pa., against a policeman of that borough, for having torn down and maltreated two French flags which Mr. Lelang had hoisted from the second story of his residence.

I at once brought the subject to the attention of his excellency Robert E. Pattison, governor of that State, for his information and report, and I have now before me the sworn testimony of the witnesses on both sides of the controversy, which has been furnished by the district attorney of Westmoreland County to Governor Pattison, by whom it has been transmitted to this Department.

This testimony shows that on the morning of May 30, 1892, in the borough of West Jeannette, Pa., Mr. Auguste Leland (or Lelang), having in his possession two French flags about 4 feet square which he had brought from France, and having purchased an American flag—the largest he could buy, but considerably smaller than the others—placed the three flags in the second story window of his house, intending evidently no disrespect to the American flag, which he placed in the middle, though probably for some reason lower than the others. Certain neighbors of his, deeming that the arrangement of the flags was disrespectful to the United States, prevailed on a policeman, T. A. Spires, to take them down. It does not appear that Mr. Spires injured the flag, but that later some persons unknown and certain children did tear the flags more with a design to preserve (each) a piece than for worse motive.

To-day I telegraphed Governor Pattison urging his earnest and hearty coöperation to prevent any hostile demonstration against the flag of France or her citizens on the 14th instant—the French national holiday—should they in honor thereof fly the flag.

It affords me pleasure to say that I have received a reply this afternoon from Governor Pattison saying that he had telegraphed Joseph A. McCurdy, esq., district attorney of Westmoreland County, in the sense of my telegram, adding as follows:

> I want to impress upon you (Mr. McCurdy) the importance of giving this matter your prompt personal attention; confer with the local authorities at Jeannette and see that provisions are made to prevent any hostile manifestations against the flag or the French residents. Communicate with me [Governor Pattison] in regard to your action.

The occurrence is deeply regretted by myself and the governor of Pennsylvania, and was entirely without the sanction of the authorities thereof, as you can readily understand.

In a letter which I have addressed to Governor Pattison I have adverted to the fact that although the flag is only a national emblem when displayed by a competent authority, it is also private property which should under no circumstances be wantonly maltreated by a police officer or by any other person in time of peace. I alluded to the time-honored friendship which had so long existed between the Government of the United States and that of France, and to our natural desire that friendly and peaceable relations should at all times prevail between the citizens of this country and those of a friendly foreign

power residing within our jurisdiction. These reasons strongly suggested to my mind, as I doubt not they will to Governor Pattison, that all undue manifestations that tend to engender ill-feeling or bitter resentment should be avoided or suppressed.

In this connection it is pleasant to note that Governor Pattison's telegram herein referred to gives assurance that he intended to do everything that is possible to promote good feeling at Jeannette.

The occurrence of May 30 last can not in anywise be regarded as an insult to the flag of France as a national emblem, since it is possible for like incidents to occur in any country under similar circumstances, and, as I have shown, there was an entire absence of design to offer an insult to the citizens of France or the flag as a national emblem. It was the personal act of a police officer, in which certain other persons, including children of the town of Jeannette, participated, and without the sanction or knowledge of the Pennsylvania State authorities. I have, however, suggested to the governor that some measure of punishment should, if possible, be meted out to the policeman, Thomas A. Spires, and entertain no doubt that he will give the question his further attention to that end.

Accept, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Patenôtre.

DEPARTMENT OF STATE,
Washington, August 16, 1892.

MY DEAR Mr. PATENÔTRE: In connection with the incident of May 30 last, when the French flag was torn down at Jeannette, Westmoreland County, Pa., I desire to assure you that the Department has given, and from the latest advices received the Pennsylvania authorities are giving, the matter careful attention. His excellency the governor was in hopes that before this it might have been possible to carry out the wishes of the Department that some measure of punishment be inflicted upon the police officer, Spires. The delay is doubtless due to the fact that he is elected by the people, and is under the supervision and jurisdiction of the court of quarter sessions of the peace of said Westmoreland County. It is not customary, I am advised, for this court to sit during the months of July and August, and it appears also that Judge Doty is absent on his vacation.

Governor Pattison has, however, instructed the district attorney, Joseph A. McCurdy, esq., who is familiar with the episode, to take the first opportunity to confer with the people's local authorities upon the subject, and there is no reason to doubt that the governor's wishes will be complied with at the earliest date practicable.

Very truly, yours,

JOHN W. FOSTER.

Mr. Foster to Mr. Patenôtre.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 26, 1892.

M. PATENÔTRE,
Minister of France,
On board "La-Bretagne," New York:

I am informed by the governor of Pennsylvania that the police officer who offered the insult to the French flag at Jeannette, Pa., has been dismissed by the town officials. The delay in his dismissal was occasioned by the fact that he was an elected officer.

It gives me great pleasure to convey to you the notification of so satisfactory a termination of this unfortunate incident.

JOHN W. FOSTER.

Mr. Desprez to Mr. Foster.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC
IN THE UNITED STATES,
Washington, September 27, 1892. (Received September 29.)

Mr. SECRETARY OF STATE:

In a letter dated 27th of August last, Mr. Alvey A. Adee communicated to me the copy of a telegram that you were kind enough to address to Mr. Patenôtre on board of the *Bretagne* to inform him of the dismissal of the policeman, who, on the 30th of May last, in the town of Jeannette, Pa., tore the French flags placed by one of our countrymen in the window of his house.

I am instructed by the minister of foreign affairs to acquaint you that the French Government appreciates the satisfaction accorded it in this case by the Federal Government, at the request of Mr. Patenôtre.

Accept, etc.,

P. DESPREZ.

GERMANY.

Mr. Blaine to Mr. Phelps.

] DEPARTMENT OF STATE,
Washington, November 11, 1891.

I transmit a copy of a letter of C. R. Miller, of Adrian, Mich., to a notice from an imperial court of Germany, served on E. Heinzman, to report for military duty or suffer the penalty l.

harles E. Heinzman appears to have come to this country with her, then wife of a citizen of the United States (Mr. James , when only 13 years old, and to have resided ever since in Illi- Michigan, while he also holds a formal certificate of naturali- lated October 4, 1889 (copy inclosed), it is not understood why er for military duty in Germany has been issued. You will ie matter to the attention of the foreign office.

am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 329.]

Mr. Miller to Mr. Blaine.

ADRIAN, MICH., *November 2, 1891.*

SIR: I respectfully call attention to the accompanying papers:
A notice from the imperial court at Bischweiler, Alsace, Germany.
Affidavit by Charles E. Heintzman.
Affidavit by Mrs. Frederika Ellegat.
Certificate of naturalization of Charles E. Heintzman as a citizen of Michi- of the United States.

tice in substance orders him to report for military duty in the German army ays from date of the citation or that his inheritance from his grandfather ulcted 600 marks. He respectfully requests the intervention of the State ent of the United States to protect him in his rights as a citizen of the tates.

C. R. MILLER,
for Mr. Charles E. Heintzman.

Affidavit of Charles E. Heintzman.

STATES OF AMERICA,
State of Michigan, County of Lenawee:

s E. Heintzman, being by me duly sworn, deposes and says that he is the Heintzman mentioned in the accompanying notice or citation. That he resided at Bischweiler Alsace, Germany, after the death of his father in her with his grandfather, Charles Heintzman, or with his grandmother a Lauft (part of the time with one and part with the other) until the year hich time he was thirteen years old. At that time my mother (then married Ellegat, a citizen of the United States) came and took me and my brother with her to the United States where she then resided, for a time at Chi-

cago in the State of Illinois, and for the last ten years she and her husband have resided and now reside at Adrian, Mich., United States of America. That from the year 1881 and up to the present time he has resided with his mother at the city of Chicago and at Adrian, Mich., and now resides with her at Adrian, Mich. That he is a fully naturalized citizen of the State of Michigan and of the United States, and for evidence thereof refers to his certificate of naturalization herewith forwarded.

CHARLES E. HEINTZMAN.

Subscribed and sworn to before me at Adrian, Mich., this November 2, 1891.

C. R. MILLER,
Notary Public in and for Lenawee County, Mich.

State of Michigan, United States of America, Lenawee County, ss:

Mrs. Frederika Ellegat, being by me duly sworn, deposes and says that she resides in the city of Adrian, in said county and State, and has resided therein over ten years and has resided in the United States for the last eighteen years.

That she is now the wife of James Ellegat. That she was formerly married to Charles Heintzman and lived with him at Bischweiler in the province of Alsace, Germany. That her said first husband died in December 1871. That deponent had by said Heintzman two children, Karl Emil, now twenty-three years old, and Alfred Christian, who died unmarried July 14th, 1891, at the city of Adrian, Mich.

That said two children remained at Bischweiler with their grandfather, Christian Heintzman, until on or about June 1, 1880, when this deponent took them with her to the United States, with her and her second husband, James Ellegat, who is a native-born citizen of the United States. That from 1871 to the present date her said son Charles (or Karl) Emil Heintzman has resided with her and her husband at the city of Chicago, Ill., for one year, and for the last ten years at said city of Adrian in the State of Michigan, United States of America. That said Charles (Karl) Emil Heintzman is a duly naturalized citizen of the United States, having been admitted to full citizenship on October 4, A. D. 1889, at Adrian, Mich., as appears by his certificate of naturalization duly executed under the seal of the circuit court for the county of Lenawee, in the State of Michigan, which is herewith attached and forwarded.

That her said son, Karl Emil Heintzman, is one of the heirs at law of his said grandfather, Christian Heintzman, now deceased, late of Bischweiler, Alsace, Germany, and further says not.

FREDERIQUA ELLEGAT

Subscribed and sworn before me at the city of Adrian, State of Michigan, United States of America.

[SEAL.]

C. R. MILLER,
Notary Public in and for Lenawee County and State of Michigan.

Certificate of naturalization of Charles E. Heintzman.

1776. 1812.

THE UNITED STATES OF NORTH AMERICA.

CERTIFICATE OF NATURALIZATION.

STATE OF MICHIGAN,
Lenawee County, ss:

I, George W. Fleming, clerk of the circuit court for the county of Lenawee and State of Michigan (the said court being a court of record, having common law jurisdiction, and a clerk and seal), do hereby certify that Charles E. Heintzman is a citizen of the United States of America, duly naturalized according to the laws of said United States, to which citizenship he was admitted in open court, held at the court-house in the city of Adrian, county and State aforesaid, on Friday, the fourth day of October, in the year of our Lord one thousand eight hundred and eighty-nine, as appears from the records of said circuit court now in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said circuit court the 4th day of October, A. D. 1889.

[SEAL.]

GEORGE W. FLEMING,
County Clerk.

Mr. Coleman to Mr. Blaine.

No. 384.] LEGATION OF THE UNITED STATES,
Berlin, January 26, 1892.

SIR: I beg to respectfully submit herewith for the consideration of the Department the facts respecting an application for a passport made in person at this legation by Mr. Julius C. Eversmann.

The statements made by Mr. Eversmann are as follows: He was born at Hickman, Ky., as the son of a father of German origin who had emigrated from Mexico, in about the year 1839, to the United States, where he resided until 1846. In the course of this residence, extending over a period of some seven years, the father, as alleged, became an American citizen, although no time or place of naturalization can be given. In 1846, at the age of about 4 years, the applicant went to Germany, where he resided continuously for some eighteen years, for the purpose of acquiring an education. At the expiration of that period, in 1864, he went to Mexico, where he remained for fifteen years, residing near the frontier of the United States. In 1879 he returned from Mexico to Germany, where he has ever since resided—during a period of some thirteen years—and where he held the office of American vice-consul at Barmen from 1886 to 1889.

Mr. Eversmann has two sons, who were born in Mexico, residing with him in Germany. The elder son having almost reached the age when military service is required of German subjects, the father has made formal application, as yet unanswered, to the German Government for an expression of their views as to the nationality of this son. He does not, however, ask that his sons be included in the passport for which he has applied.

Mr. Eversmann claims to have been the holder of a passport issued by the Department, of which he does not remember the number or date, but which was, as alleged, transmitted to the Department by our consul at Düsseldorf with his dispatch No. 21, of May 17, 1886.

While willing to take the oath of allegiance, Mr. Eversmann frankly declares that he can not comply with the requirement that the applicant shall swear that he intends to return to the United States, as he has no purpose whatever of doing so.

In view of all the circumstances, and especially of the fact that no intention to return exists, I have felt constrained to decline to issue the passport, but, at his request, refer the case for the judgment of the Department.

I have, etc.,

CHAPMAN COLEMAN.

Mr. Blaine to Mr. Coleman.

No. 366.] DEPARTMENT OF STATE,
Washington, February 17, 1892.

SIR: Your No. 384, of the 26th ultimo, in relation to the application for a passport made to your legation by Mr. Julius C. Eversmann, has been received.

Born at Hickman, Ky., in 1842, of a German father, who resided in the United States from 1839 to 1846, and who is said to have been naturalized, although no evidence thereof is presented. Mr. Eversmann was taken

in 1846, at the age of 4 years, to Germany, where he resided for eighteen years or until he was 22 years old. In 1864 he went to Mexico, where he remained for fifteen years, residing much of the time at Matamoras. In 1879 he returned to Germany, where he has since resided. He appears at sometime prior to May 17, 1886, to have received a United States passport, but the time and place of its issuance can not now be ascertained. No record can be found of its having been issued by the Department, as stated in your dispatch.

Mr. Eversmann held the office of vice-consul at Düsseldorf (not Barmen) from 1886 to 1889. In his dispatch nominating him for appointment the consul, Mr. D. J. Partello, stated that Mr. Eversmann had "resided nearly all his life in America and is an American citizen." This somewhat loose statement conveys an impression inconsistent with the facts as now set forth; for since his birth, in 1842, Mr. Eversmann appears to have resided in the United States only during the first four years of infancy, and in Mexico for fifteen years after he became of age, leaving some thirty years as the total term of his residence in Germany. He attained his majority in Germany and since then appears not to have resided at any time in the United States. It is to be noticed that when he first quitted Germany, in 1864, at the age of 22, and while the war of secession was in progress, he took up his residence in Mexico, across the border from a State not occupied by the forces of the United States, and the inference is strong that in so doing he had no purpose of fulfilling the duties of citizenship to the country of which he now claims protection as a citizen.

You say that "while willing to take the oath of allegiance, Mr. Eversmann frankly declares that he can not comply with the requirement that the applicant shall swear that he intends to return to the United States, as he has no purpose whatever of doing so."

Under the uniform ruling of this Department this latter declaration sufficiently excludes the issuance of a passport to Mr. Eversmann. All other facts in his case, so far as known, tend to confirm the belief that at no time since his coming of age has Mr. Eversmann performed the duties of citizenship, and he should be held as having abandoned his right to the protection of the United States.

Your action in declining to issue a passport to Mr. Eversmann is approved.

I am, etc,

JAMES G. BLAINE.

Mr. Coleman to Mr. Blaine.

No. 391.] LEGATION OF THE UNITED STATES,
Berlin, February 20, 1892. (Received March 11.)

SIR: I have the honor to acknowlege the receipt, on the 27th of November last, of your instruction No. 329 of the 11th of that month, directing that the case of Charles E. Heintzman, a naturalized American citizen, ordered by the authorities of Alsace-Lorraine to report for military duty or suffer a certain penalty, be brought to the attention of the foreign office.

On the date of the receipt of your instruction the legation addressed a note to the foreign office in behalf of Heintzman. Copies of that note and of a reply thereto, received to-day, together with a translation of *the latter* document, are herewith inclosed.

From the communication from the foreign office it will be perceived that the German Government claims that he still possesses his original German allegiance, and that consequently his name can not be stricken from the German military lists. It is at the same time intimated, however, that favorable consideration would, in view of the peculiar circumstances of the case, be given to a proper application by Heintzman for a discharge from that allegiance, which, when obtained, would secure the relief sought.

The provisions of the law of 1870, referred to in the inclosed note from the foreign office, are, in so far as they are pertinent to this case, appended hereto.

The declaration on the part of the German Government that Heintzman still possesses German allegiance can only be based on their claim asserted in a number of earlier notes from the foreign office and discussed in a voluminous correspondence, which will be found on the files of the Department, that none of the treaties regulating nationality (Bancroft treaties) negotiated between the United States and the German states in 1868 apply to the territory of Alsace-Lorraine.

I have, etc.,

CHAPMAN COLEMAN.

Imperial law of June 1, 1870, relating to the acquisition and loss of allegiance in Germany.

SEC. 13. State allegiance shall in future be lost only by a sojourn abroad of ten years' duration.

SEC. 14. The discharge is granted by the issue of a discharge document by the superior administrative authority of the state of nativity.

SEC. 15. The discharge will not be granted until a certificate is obtained from the circuit recruiting commission (Kreis-Ersatz-Commission) showing that the same is not sought for the sole purpose of evading service in the standing army or navy.

[Inclosure 1 in No. 391.]

Mr. Phelps to Baron von Marschall.

F. O. No. 272.] LEGATION OF THE UNITED STATES,
Berlin, November 27, 1891.

The undersigned, envoy, etc., of the United States of America, acting under instructions from his Government, has the honor to invite the attention of His Excellency Freiherr Marschall von Bieberstein, imperial secretary of state for foreign affairs, to the case of Charles (Karl) E. Heintzman, a naturalized American citizen.

The facts as submitted to the legation are as follows: Heintzmann was born at Bischweiler, in Alsace, and emigrated in 1881 with his mother while about 13 years of age to America where he has since resided. He was naturalized in Adrian, in the State of Michigan, on the 4th of October, 1889.

Heintzman has recently received notice from the imperial court at Bischweiler, Alsace, to report for military duty in the German army within fifty days from the date of the order, stating that should he fail to comply therewith, his inheritance from his grandfather, the late Christian of Bischweiler, would be mulcted to the amount of 600 R. marks.

The undersigned begs that his excellency will kindly cause an investigation of this case to be made, and if the facts prove to be as stated, that Heintzman's name may be stricken from the military rolls, and that any attachment issued against his inheritance may be vacated, or if the fine has already been collected, that it may be returned.

The undersigned avails, etc.,

WM. WALTER PHELPS.

[Inclosure 2 in No. 391.—Translation.]

Baron von Rotenhau to Mr. Coleman.

FOREIGN OFFICE,
Berlin, February 19, 1892.

Replying to the note of the 27th of November last, F. O. No. 272, the undersigned has the honor to inform the chargé d'affaires of the United States of America, Mr. Chapman Coleman, that Charles Emil Heintzman was on December 19, 1888, condemned by the land court in Strasburg, for violation of military duty, to a fine of 600 marks, and to the costs of the proceeding, amounting to 75.76 marks.

To secure this claim a mortgage was entered against certain real estate accruing from the estate of a grandfather to him and his brother in common.

At present Heintzman still possesses German nationality, as during his minority, the ten year period provided in section 21 of the imperial law of June 1, 1870, relating to the acquisition and loss of imperial and state allegiance, did not run; his name can not, therefore, be stricken from the military lists.

In the year 1889 an uncle of Heintzman, the carpenter, Wilhelm Heintzman, of Bischweiler, made application for the remission by pardon of the above mentioned fine and costs. The request was, however, refused for the reason that in accordance with the principles uniformly applied in this respect, the pardon of persons punished for violation of military duty, who are Germans, can only then be considered when they present themselves for the performance of that duty. In view of the particular circumstances and in particular of the early emigration of Heintzman and of his having in the meantime acquired American citizenship, it was at that time made known to him that a recommendation of pardon was contemplated in case he should procure a discharge from German allegiance (sections 13 and 14 of above-mentioned law) upon the submission of the certificate provided for in section 15 of the law of June 1, 1870.

To this stand-point the imperial government still firmly adheres. It rests therefore with Heintzmann to take the steps necessary for the granting of the discharge. Whether the still requisite certificate will be issued by the Ersatz Commission depends upon the result of the consideration of that authority.

The undersigned avails, etc.,

ROTENHAU.

Mr. Blaine to Mr. Phelps.

No. 391.] DEPARTMENT OF STATE,
Washington, April 6, 1892.

SIR: Referring to Mr. Coleman's dispatch No. 391 of the 20th of February last, relative to the military case of Charles E. Heintzman, I inclose the petition of the latter, asking for pardon and that his name may be stricken from the military lists of the German Empire. This petition has been prepared by Mr. Heintzman's attorney in accordance with the suggestions in the note of the imperial German foreign office of the 19th of February last to Mr. Coleman, a copy of which accompanies his above-named dispatch.

I will thank you to transmit Mr. Heintzman's petition to the foreign office with the request that it may be brought to the notice of the proper authorities with a view to its early consideration.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 391.]

Petition of Charles E. Heintzman.

The HONORABLE KREIS ERSATZ COMMISSION,
Germany:

The undersigned, your petitioner, prays to make the following statement and petition to your most honorable court and commission.

(1) That on 2d of November, A. D. 1891, your petitioner through his attorney, C. R. Miller, of Adrian, Mich., made a request through the Honorable Secretary of States for the United States of America, for the remission of a fine by the Government of his His Imperial Majesty of Germany, of 600 marks about to be decreed against your petitioner by the land court at Strasburg for violation of military duty in not reporting at a certain time to said court.

(2) That before your petitioner had received any reply to his said request, to wit, on December 19, 1888, (your petitioner is informed by the said Secretary of State) he was condemned by the land court at Strasburg for violation of military duty to a fine of 600 marks and costs amounting to 75.76 marks, and that to secure this claim a mortgage was entered against certain real estate accruing from the estate of a grandfather of your petitioner and a brother in common. That his said brother Alfred Christian Heintzman, named in said judgment, died on July 14, 1891, at the city of Adrian, in the State of Michigan. That at the time of his death the said Alfred Christian Heintzman was single, never having been married. That he died at the house of his mother, Mrs. Marie Ellegat.

(3) That the said petition or request referred to above was, by the honorable Secretary of State, referred to the honorable William Walter Phelps, envoy of the United States at the court of His Majesty, the Emperor, at Berlin.

(4) That his excellency, the Freiherr Marschall von Bieberstein, imperial secretary of state for foreign affairs, by a communication dated February 19, 1892, to the chargé d'affaires of the United States of America, [stated] that the said request of your petitioner could not be granted by reason of section 31 of the imperial law of June 1, 1870, relative to acquisition and loss of imperial and state allegiance, nor your petitioner's name be stricken from the military lists.

(5) That the said communication last above referred to further intimated (in substance) that if your petitioner should procure from your honorable court an order or decree granting the discharge of your petitioner from the list of those liable to military duty, then that the matter of the remission of said fine would be considered by the imperial courts or Government.

(6) With the purpose of procuring such discharge from your honorable court, your petitioner upon his corporal states the following facts, to wit:

(*a*) That he was born at Bischweiler, in Alsace. His father died while petitioner was young, and his mother immigrated in 1870, or thereabouts (after her husband's death), leaving deponent with his grandfather, Christian Heintzman.

(*b*) In 1881, when your petitioner was 13 years old, his mother, who remarried in America, came to Bischweiler and took your petitioner with her to the city of Adrian, in the State of Michigan, United States, where she lived then and has lived ever since.

That your petitioner lived with his mother and her husband in said city of Adrian until he became of the age of 21 years, and yet makes it his home there.

(*c*) That he is a fully naturalized citizen of the United States of America, having been admitted to full citizenship on October 4, 1889. That the legal certificate of his citizenship was filed with the papers sent to the honorable Secretary of State, United States, on November 2, 1891.

(*d*) That by reason of his youth at the time of emigration (his age being 13 years), and by reason of the control of his mother over his person, he neither knew of the law of the Empire in regard to military service in the province of Alsace, nor was he able to resist the desire and control of his mother in taking him with her to her home in America.

(*e*) That his emigration was not for the purpose of avoiding or evading military service in the standing army or navy of Germany, but simply to go to the home in America that his mother had provided for him, and to which, as his sole surviving parent, and by her authority of such parent, your petitioner supposes she had full authority and right to do.

(*f*) That since his emigration he has grown to be a man, and has become a citizen of the land of his adoption and owing it full allegiance.

(*g*) That he does not seek his discharge from the military lists for the sole purpose of evading service in the standing army or navy of the German Empire, but that he may thereby comply with the provisions of the imperial law of June 1, 1870, relative to the acquisition and loss of allegiance in Germany, and that having so complied with said law he may be legally entitled to the consideration of His Imperial Majesty's pardon, and thereby have his inheritance released from the lien and charge of the fine and costs heretofore entered against him in the land court at Strasburg on December 19, 1888.

In view of the foregoing your petitioner prays that your honorable commission grant his discharge from the said military lists, and having so done will certify the same to his excellency, the secretary of state for foreign affairs (or to whomsoever the proper officer or tribunal may be), so that the matter of the pardon of your petitioner and the remission of his said fine and costs may be brought to the attention of His Majesty the Emperor or to the proper court of authority.

In view of the foregoing your petitioner prays that you grant his discharge from the military lists of the Empire and that you grant him the proper and necessary certificate thereof and such other and further relief as under the circumstances is meet and proper to be done and granted unto your petitioner.

CHARLES E. HEINTZMAN.

STATE OF MICHIGAN,
The County of Lenawee, ss:

Charles E. Heintzman, who signed the foregoing petition in my presence, having been by me duly sworn, deposes and says that he has heard read the foregoing petition by him subscribed and knows the contents thereof and that the same is true in substance and in fact.

On this the 24th day of February A. D., 1892, at the city of Adrian and State of Michigan, United States.

[SEAL.] GEO. R. COCHRANE,
Notary Public in and for Lenawee Co., Michigan.

Mr. Phelps to Mr. Blaine.

No. 418.] LEGATION OF THE UNITED STATES,
Berlin, April 8, 1892.

SIR: I have the honor to report for the consideration and decision of the Department, the facts respecting an application for a passport made by Mr. Ludwig Henckel.

The statements made by Mr. Henckel are as follows: He was born in St. Louis, Mo., January 10, 1874, and in 1875 was taken to Venezuela by his father, who claims to have previously taken out his "first papers" and to have renounced his German allegiance, and who subsequently, under date of January 13, 1882, was appointed Consular Agent of the United States at San Cristobal, Venezuela.

After thirty years' absence, the older Henkel returned to Hanover, his native city, taking his son Ludwig with him, where he now resides. Owing to his long absence he states that, while having assumed no other nationality, he is recognized by the local authorities as a foreigner, and that he has been informed that his son is not liable for military service.

The son Ludwig, who is now serving an apprenticeship in Hamburg—at the expiration of which, in about three years, he declares it to be his intention to return to America to reside—and who is in need of some papers showing his nationality, has now laid claim to American citizenship, and has made application for an American passport.

While awaiting the Department's decision, I have, etc.,

WM. WALTER PHELPS.

Mr. Blaine to Mr. Phelps.

No. 404.] DEPARTMENT OF STATE,
Washington, April 18, 1892.

SIR: I have received Mr. Coleman's No. 377 of January 7, 1892, inclosing the passport returns for the quarter ending December 31, 1891.

The application of Alexander Block, No. 1202, apears to be the only one calling for a few cautionary observations.

Mr. Block swears that he was born at New York March 26, 1875, of a father who emigrated to the United States in 1870 and was subsequently naturalized. The applicant further states that he resided uninterruptedly in the United States for about five years, from 1875 to 1880, at New York; that during the latter year he left this country for

Germany, and has resided for a period of six years in Heiligenstadt. He is at present at Nuremberg, and expects to return to the United States within five years, with a purpose of residing and performing the duties of citizenship therein.

No other particulars are given in Mr. Block's application. He was 17 years of age in March last and apparently has been away from the United States since 1880, with no prospect of returning, as he states, for a period of five years from October 10 last, the date of his application. While the Department only requires the oath of those persons who have been born in the United States, yet, in view of the circumstances of this case, it believes that Mr. Block should, unless you already possess the information, give some explanation of his continual residence away from the United States.

If necessary, you may require this report from him through the United States consul at Nuremberg.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Phelps.

No. 405.] DEPARTMENT OF STATE,
Washington, April 18, 1892.

SIR: I inclose for your information a copy of a letter from Messrs. Howson & Howson, dated the 11th inst., stating that patents issued to Americans in Germany are of doubtful validity, owing to the fact that there has not as yet been published in the German Imperial Official Gazette the specific notification required as to the reciprocal rights granted by the United States to German inventors.

I will thank you to bring the subject to the attention of the proper authorities and to inquire as to what steps this Government should take for the proper protection of the rights of American inventors in Germany.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 405.]

Messrs. Howson & Howson to Mr. Blaine.

POTTER BUILDING, 38 PARK ROW,
New York, April 11, 1892.

SIR: We take the liberty of drawing your honor's attention to a matter of considerable importance to American inventors who take out patents in Germany. As the shortest way of getting at the point we inclose a translation of a German letter received in the past day or so from our correspondent in Berlin, the firm of C. Kesselen, one of the leading patent soliciting firms there.

From this it appears that an American inventor applying for a German patent within three months from the issue of the American patent, in reliance upon the terms of the new German patent law is, to say the least, running considerable risk as to the validity of the German patent, because there has not as yet been published in the German Imperial Official Gazette the specific notification required as to the reciprocal rights granted by the United States to German inventors.

The initiative from our Government is apparently needed, and we presume this matter belongs to the State Department.

We need only add that we place all confidence in the statements of our correspondent.

We are, very respectfully,

HOWSON & HOWSON.

[Inclosure to inclosure in No. 405.]

Mr. Kesseler to Messrs. Howson & Howson.

PATENT AND TECHNICAL BUREAU,
Dorotheenstr., 32. Berlin, N. W., March 7, 1892.

GENTLEMEN: The negotiations which were carried on recently between the German Empire and several other states—such as Austria, Belgium, Switzerland, and Italy, for the purpose of concluding new commercial treaties, also providing for mutual concessions regarding patents and useful designs—give me occasion to make the following remarks:

The new German patent law says, in paragraph 2, clause 2:

"Officially published patent specifications of foreign countries will not be considered to be publications after a period of three months from the day of the issue of the patent, provided that the German patent is applied for by the original inventor who has made the application in the foreign country or by his legal successor. This advantage is, however, only extended to the official specifications of those countries which, according to a previous publication in the Official Imperial Gazette, grant reciprocal favors."

Though the laws of your country provide for a similar favor to foreign applicants, the special notification in the Imperial Gazette has not been published up to this date.

The new German law for useful designs contains, in paragraph 13, clause 1, the following:

"One who does not have a domicile or some residence in Germany can only then take advantage of this law if the laws of the country in which he resides or has his domicile grant a similar protection for useful designs, and are so recognized by a special publication in the Imperial Official Gazette.

This also presupposes the reciprocal protection in obtaining useful designs in foreign countries by German citizens.

As this law is intended to fill a gap between the patent law and the design law, it offers to citizens of foreign countries the opportunity of obtaining patents for useful designs in Germany only in case German citizens can obtain in the country of the foreign applicant similar protection for their designs.

There is in your country a law for protecting useful designs, but so far no publication has been made in the Imperial Gazette that the United States belong to that class of states which grant reciprocity. It is therefore doubtful whether American citizens can obtain a valid protection for their useful designs in Germany, as long as such a publication has not been made in the Gazette.

I desire to draw attention to the fact that the requirements of paragraph 2 of the German patent law and paragraph 13 of the useful design law have not been complied with yet on the part of the United States, so that you can agitate the matter with the proper parties if such an agitation has not already been started, with a view to have the representatives of the United States present the matter to the Imperial chancellor and cause the required publication in the Imperial Gazette, so that citizens of the United States can be enabled to obtain the advantages of the paragraph above mentioned.

I should be pleased to obtain a reply from you if you deem such steps proper, and eventually what results your efforts in this direction might produce.

Yours truly,

C. KESSELER.

Mr. Blaine to Mr. Phelps.

No. 409.] DEPARTMENT OF STATE,
Washington, April 28, 1892.

SIR: Referring to my instruction to you (No. 405) of the 18th instant relative to the complaint of Messrs. Howson & Howson that patents issued to Americans in Germany are of doubtful validity, owing to the fact that there has not yet been published in the German Imperial Gazette the specific notification required as to the reciprocal rights granted by the United States to German inventors, I now inclose for your information a copy of a letter from the Secretary of the Interio

from which it appears that the Commissioner of Patents is of the opinion that the German Government should be earnestly asked for the immediate publication in the German Imperial Gazette of the notification in question.

You are accordingly instructed to bring the subject to the attention of the foreign office with the request that the publication suggested by the Commissioner of Patents may be made with as little delay as possible.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 409.]

Mr. Chandler to Mr. Blaine.

DEPARTMENT OF THE INTERIOR,
Washington, April 25, 1892. (Received April 27.)

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, transmitting copy of a letter from Messrs. Howson & Howson of the 11th instant, stating "that patents issued to American inventors in Germany are of doubtful validity, owing to the fact that there has not as yet been published in the German Imperial Official Gazette the specific notification required as to the reciprocal rights granted by the United States to German inventors."

In reply I have the honor to inclose a copy of a letter addressed by Examiner Seely to the Commissioner of Patents and favorably indorsed by him. The Commissioner of Patents remarks that "the German Government should be earnestly asked for the immediate publication in the German Imperial Gazette of the specific notification referred to in the letter of the honorable Secretary of State."

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

[Inclosure in inclosure in No. 409.]

Mr. Seely to Mr. Simonds.

UNITED STATES PATENT OFFICE, *April 23, 1892.*

SIR: I have the honor to return herewith the letter of the 18th instant from the Secretary of State to the Secretary of the Interior, inclosing a copy of a letter from Messrs. Howson & Howson, of Philadelphia, regarding the conditions of the existing German law which renders invalid patents granted for inventions previously patented in this country, and to say that the conditions, as correctly stated by Messrs. Howson, are operating to the serious disadvantage of American patentees.

This is not by reason of any obscurity in the law, but is due apparently to careless reading of it, since it is expressly provided in the law that the exemption from having the right in Germany defeated by a prior printed publication is only to be claimed by citizens of states giving the same privilege to Germans, when that fact has been officially published in the Imperial Gazette. Many Americans have overlooked this last condition, and lawyers have even advised their clients that they might safely apply for patents in Germany after their domestic patents had been granted. I have always warned those with whom I have talked against this misapprehension, and have twice called attention to it through the press, but it still continues.

On March 19, 1891, in a letter to your predecessor I called attention to the new German law which was to go into force on October 1 following, and recommended that the subject be brought before the Secretary of State that steps might be taken as early as possible to have this official publication made on behalf of the United States for the benefit of American inventors. This letter, as I understood at the time, was duly transmitted to the Secretary of State, and I afterwards learned that the matter was brought to the attention of the United States minister at Berlin.

The only outcome hitherto so far as I know is in the proposition from Germany through her chargé d'affaires at this capital for a convention between the two Governments concerning patents and trade-marks. In the draft presented the three months' limit is extended to six months, which would be for our decided advantage.

The form of convention was, however, not entirely in consonance with our law, and some modifications were proposed on our side, concerning which the determination of Germany has not been heard so far as I am informed.

As the German Parliament was to adjourn at Easter, the proposed convention may have failed of adoption.

In this contingency, and pending the adoption of a convention of some kind, I would respectfully recommend that the German Government be solicited to place the United States on the list of governments whose citizens may reap the benefit of section 2 of its patent law, and of section 13 of the law of June 1, 1891, on the ground that this Government does by law afford corresponding privileges to German subjects.

I have, etc.,

F. A. SEELY.

Mr. Phelps to Mr. Blaine.

No. 434.] LEGATION OF THE UNITED STATES,
Berlin, April 29, 1892. (Received May 18.)

SIR: I have the honor to acknowledge the receipt to-day of your instruction, No. 404, of April 18, in which you request to be furnished with more information in the matter of the issue of a passport to one Alexander Bloch by the legation in October last. I beg to inclose herewith copies of the correspondence between this legation and the consulate at Nuremberg, in which the facts of this case are fully set forth.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure 1 in No. 434.]

Mr. Black to Mr. Phelps.

No. 53.] UNITED STATES CONSULATE,
Nuremberg, October 8, 1891.

SIR: Inclosed I beg to hand you application of Alexander Bloch for a passport.

Alexander Bloch was, as you will see by the inclosed papers, born in the city of New York on the 26th day of March, 1875, and in which city he continued to reside with his parents until the year 1879, at which time his father abandoned his family, and his mother's friends brought her and her children to this country in the following year. His mother died about the year 1882, and he was taken care of by the Jewish community until two years ago, when he was apprenticed by one Julius Heilbronner, a leading leather merchant of this city, and who is the one that certified to the statement of the applicant.

There is no proof of the father's citizenship; when this boy was born he had been about five years in America, and is supposed to have died in that country about the year 1881.

The boy himself knows absolutely nothing about his father, and comparatively nothing about himself, and does not speak English.

The question of this applicant's citizenship was raised by the city authorities of Nuremburg about two years ago, but it remained in abeyance until within a recent period, when the Royal District Government rendered its decision, and the boy is now ordered to produce a passport or "Heimatschein" within fourteen days. The application for this passport was prompted by this decision.

I told Mr. Heilbronner that my own opinion was that the boy's claim to citizenship was not sufficiently sustained by proof such as would warrant the issuing of a passport to him, but that under the circumstances, if he so desired, I would submit the case to you as the one empowered to pass authoritatively upon it.

I have transmitted the fee of 4.20 marks by postal money order.

I have, etc.,

WM. J. BLACK.

[Inclosure 2 in No. 434].

Mr. Coleman to Mr. Black.

No. 4762.] LEGATION OF THE UNITED STATES,
Berlin, October 10, 1891.

SIR: Replying to your letter of the 8th instant, covering passport application of Alexander Bloch, the legation incloses herewith the desired passport. The passport, after some hesitation, is issued upon the grounds that Bloch, who was born in the United States, is not personally responsible for his coming to this country as a young child, and upon the assumption that he will definitely return to the United States on or before the attainment of his majority.

You will also kindly inform him that it will be wise for him to return to America before the attainment of his twentieth year, the age at which military service ordinarily begins in this country, as he may otherwise expose himself to serious trouble resulting from a claim on the part of the German authorities to his service.

I remain, etc.,

C. COLEMAN,
Secretary of Legation.

Mr. Phelps to Mr. Blaine.

No. 435.] LEGATION OF THE UNITED STATES,
Berlin, April 29, 1892. (Received May 18.)

SIR: I have the honor to acknowledge the receipt yesterday of your instruction, No. 405, of the 18th instant. In it, at the instance of Messrs. Howson & Howson, of New York City, you call attention to the fact that the German Imperial Gazette has not yet published the required notice that the United States have granted reciprocal rights to German inventors, and direct me to ascertain what should be done under these circumstances for the protection of American inventors in this country.

On inquiry made to-day at the imperial department of the interior, I learned that that department was waiting for something yet to be done in connection with the negotiations now going on in Washington affecting patents; that that department expected to soon hear that this was done; and that when it was done the notice would be promptly published here in the Official Gazette.

As these negotiations are pending at Washington I did not feel at liberty to press for more specific information on a point which must be within the knowledge of the State Department.

I have, etc.,

WM. WALTER PHELPS.

Mr. Blaine to Mr. Phelps.

No. 412.] DEPARTMENT OF STATE,
Washington, May 3, 1892.

SIR: I have received your No. 418, of the 8th ultimo, respecting an application for a passport made by Ludwig Henckel, who states he was born in St. Louis, Mo., January 10, 1874. He was taken in 1875 to Venezuela by his father, who claims to have previously declared his intention to become a citizen of the United States, and who, on January 13, 1882, was appointed consular agent of the United States at San Cristobal, Venezuela. After thirty years' absence, the father returned to Hanover, his native city, taking the son with him. The lat-

ter, it appears, is now serving an apprenticeship at Hamburg, and at its expiration, three years hence, "declares it to be his intention to return to America to reside."

Notwithstanding the alienage of the father the son is by birth a citizen of the United States. His absence from the country during minority and while under the control of his father should not be counted too strongly against him, especially in view of the fact that he declares his intention of returning to this country to reside after the completion of his apprenticeship. If he will take the necessary oath to that effect he would seem to come substantially within this rule and a passport may be issued to him. In issuing him a passport, however, it is proper that the legation should inform him that it does not guarantee him against any claim which may be asserted to his allegiance or service by the Government of Germany while he remains in that country. Having been born of a German father, conflicting claims with respect thereto may arise, which it is not the purpose of this Government by the issuance of a passport to in anywise prejudice.

I am, sir, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Phelps.

No. 420.] DEPARTMENT OF STATE,
Washington, May 19, 1892.

SIR: I have received your No. 435, of the 29th ultimo, in regard to the protection of American inventors in Germany, as represented by Messrs. Howson & Howson, of New York, by reason of the fact that the German Official Imperial Gazette has not yet published the required notice that the United States has granted reciprocal rights to German inventors.

In view of the intimation of the imperial department of the interior that it was awaiting advices from here in connection with certain negotiations affecting patents, when it would promptly publish the required notice, I inclose for your information a copy of a note from the German legation at this capital, of November 3, 1891, proposing an arrangement between the United States and Germany for the reciprocal protection of patents, samples, and trade-marks, with German laws relating to the subject.

On the 10th of March, 1892, I acknowledged Mr. von Mumm's note, saying that the proposed treaty was acceptable with the exception of article 3, and explaining why that could not be accepted by the Government of the United States in its present form. I submitted a counter proposition and draft.

I herewith transmit for your information a copy of my note and of its inclosures, remarking that up to the present time the Department is without advice as to the decision of the German Government respecting the matter.

With these data before you, you may find convenient opportunity to again call the subject up and possibly expedite a decision respecting the counter proposition of this Government and secure the desired publication in the interest of American inventors.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Phelps.

No. 421.] DEPARTMENT OF STATE,
Washington, May 19, 1891.

SIR: I have received your No. 434, of the 29th ultimo, further relating to the passport No. 1202 issued October 10, 1891, by your legation, to Alexander Block. The correspondence inclosed with your dispatch answers the object the Department had in view in writing its instruction No. 404.

It appears that the father, who is understood to have died in the United States in 1881, abandoned his family in 1879, and that the friends of young Block's mother brought her and her son to Germany in 1880; that she died in 1882, and that about 1889 the son was apprenticed by one Julius Heilbronner, a leading leather merchant of Nuremberg, Bavaria; that in consequence of the decision of the royal district government application was made to you for a passport in the youth's behalf. "The passport, after some hesitation," you say to Consul Black, "is issued upon the ground that Block, who was born in the United States, is not personally responsible for his coming to this country (Germany) as a young child, and upon the supposition that he will definitely return to the United States on or before the attainment of his majority."

Your caution appears a wise one that he should return to the United States before attaining the age of 21 years.

While the granting of a passport is, under the circumstances, approved, it is well to say frankly that should a claim be made by the German authorities for military duty, the case of this young man, who has not been in the United States since 1880, knows absolutely nothing about his father, comparatively little about himself, and does not even speak the English language, affords doubtful grounds for hopeful appeal in his behalf.

I am, etc.,

JAMES G. BLAINE.

Mr. Phelps to Mr. Blaine.

No. 447.] LEGATION OF THE UNITED STATES,
Berlin, May 22, 1892. (Received June 9.)

SIR: Referring to your instruction No. 409, of the 28th ultimo, directing that certain representations be made to the German Government respecting the rights of American inventors in Germany, I beg to transmit herewith copies, with the necessary translation, of the correspondence on the subject that has ensued between this legation and the foreign office.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure 1 in No. 447.]

Mr. Phelps to Baron Marschall.

LEGATION OF THE UNITED STATES,
Berlin, May 12, 1892.

The undersigned, envoy, etc., of the United States of America, is instructed by his Government to inform his excellency Freiherr Marschall von Bieberstein, imperial secretary of state for foreign affairs, that complaints are constantly being made by American citizens who are seeking patents for their inventions in Germany that the patents when issued are invalid because no notice of reciprocal rights has yet been published in the Imperial Official Gazette.

Such a notice is thought to be essential to the validity of such patents as are issued to American citizens under the provisions of the imperial laws relating to patents and the protection of model designs, and a right to the publication of this notice seems also to have been secured from the moment that the United States law gave corresponding privileges to German subjects seeking patents in the United States.

Such privileges, as his excellency is aware, have been granted to subjects of Germany, and they are now availing themselves of them.

Under these circumstances, the undersigned is instructed to ask if there is any necessary cause for delay, and if there is not, that the notice may be speedily published, as was the understanding and agreement.

The undersigned avails, etc.,

WM. WALTER PHELPS.

[Inclosure 2 in No. 447.—Translation.]

Baron Marschall to Mr. Phelps.

FOREIGN OFFICE,
Berlin, May 21, 1892.

Replying to the communication of the 12th instant, F. O., No. 331, the undersigned has the honor to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. William Walter Phelps, that in consequence of the envoy's note of April 22 last, F. O., No. 214, the imperial legation in Washington, as communicated under the 7th of November last, has been instructed to enter into negotiations with the Government of the United States for the purpose of regulating the mutual protection of patents, designs, and trade-marks. These negotiations have not yet been brought to a conclusion; but, judging by the proceedings which have hitherto ensued, an agreement between the two countries may be hoped for.

As in such case the wishes of American citizens, with respect to patents and designs, would be disposed of, the undersigned believes it will be proper to abstain for the present from a separate consideration of these points.

The undersigned at the same time avails, etc.,

MARSCHALL.

Mr. Wharton to Mr. Phelps.

No. 433.] DEPARTMENT OF STATE,
Washington, June 10, 1892.

SIR: I have to acknowledge the receipt of your dispatch No. 447, of the 22d ultimo, concerning the protection of American inventors in Germany.

The Department's No. 420, of May 19, 1892, sufficiently answers the further statements of the imperial secretary of state for foreign affairs, in relation to the nonpublication of the notification in question, pending the conclusion of a trade-mark treaty which will definitely adjust the matter.

I am, sir,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Mr. Phelps.

No. 435.] DEPARTMENT OF STATE,
Washington, June 15, 1892.

SIR: In connection with the Department's recent instructions concerning the nonpublication for the benefit of American inventors in the Imperial Gazette as required by the German patent law of October 1, 1891, I have now to inclose for your information a copy of a letter from Messrs. Richards & Co., international patent solicitors, dated New York, the 11th instant, in relation to the injustice experienced by our citizens in consequence of the necessary publication not having been made. They very justly observe:

This privilege of three months' priority being offered to countries granting a reciprocal privilege to Germans, and it being a fact that the United States grants two years after the introduction of an invention into the United States within which to apply for patent, thus granting more than the Germans demand, there would appear to be no good reason why the privileges granted by this law should not be enjoyed by citizens of the United States.

If before the arrival of this instruction the required publication in order to secure our citizens the advantages of this law has not been made, you will take early opportunity to impress upon the German Government the desirability of its immediately doing so.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure in No. 435.]

Messrs. Richards & Co. to Mr. Wharton.

NEW YORK, *June 11, 1892.* (Received June 13.)

SIR: We have the honor to bring to your notice a matter of injustice suffered by American inventors applying for patents in Germany. The facts are as follows:

On October 1, 1891, a new German patent law came into force, in which it is provided (Art. 1, sec. 2.):

"That an invention shall not be considered new if at the date of filing the same has been described in public prints within the last century, * * * The official foreign patent specifications are only considered equal to public prints after the lapse of three months from the date of publication, in so far as the patent is applied for by the foreign patentee or his legal successor.

"This exception refers, however, only to the official publications of those States in which, according to a publication of the Imperial chancellor in the Imperial Gazette, reciprocity is guaranteed."

From the above it will appear that the privilege of three months after official publication here within which to file an application for German patent will only be granted after an official publication in the German Gazette of the names of the States to which this privilege is accorded.

So far as we can learn there has as yet been no publication to secure to citizens of the United States the advantages of this law, and we are informed by an agent in Berlin that the Imperial German patent office has recently declared that "United States citizens do not enjoy the privilege offered by paragraph 2 of the new law."

This privilege of three months' priority being offered to countries granting a reciprocal privilege to Germans, and it being a fact that the United States grants two years after the introduction of an invention into the United States within which to apply for patent, thus granting more than the Germans demand, there would appear to be no good reason why the privileges granted by this law should not be enjoyed by citizens of the United States.

Respectfully,

RICHARDS & CO.

Mr. Phelps to Mr. Wharton.

No. 460] LEGATION OF THE UNITED STATES,
BERLIN, *June 30, 1892.* (Received July 22.)

SIR: I have the honor to acknowledge the receipt to-day of your instruction No. 435, of the 15th instant, and to inclose herewith a copy of the communication which, in obedience to this instruction, I have addressed to the foreign office, relative to the publication in the Imperial Gazette necessary to give protection to American inventors, as required by the German patent law of October 1, 1891.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure in No. 460.]

Mr. Phelps to Baron Marschall.

LEGATION OF THE UNITED STATES,
Berlin, June 30, 1892.

The undersigned envoy, etc., of the United States of America had the honor, under date of 12th of May last, to address a communication to his excellency, Marschall von Bieberstein, Imperial secretary of state for foreign affairs, asking that a notice should be published in the Imperial Gazette that American citizens seeking patents for their inventions in Germany were entitled to receive them.

Under date of the 21st of the same month his excellency informed the undersigned that because negotiations connected generally with this subject and intended to fully regulate the mutual protection of patents were pending at Washington, his excellency preferred to abstain for the present from a separate consideration of the question of this notice.

In the meantime the complaints of American inventors reach the State Department to which it is impossible to give a satisfactory answer. These complaints recite the German patent law which went into operation October 1, 1891. They call attention to the fact that under this law an American or any other foreign inventor is entitled to the publication of this notice and to the rights of patent mentioned in it, whenever the United States or that other foreign country has conceded the same rights to German citizens. These complaints truthfully add that the United States has given not only the same rights, but larger ones, viz, the right to apply for a patent within two years, and speak with some bitterness of the fact that these rights are not only given by the United States Government, but are now being used by German subjects in the United States.

In view of these facts, so well stated in the complaints, the undersigned is requested to ask why a privilege granted by German law to American citizens upon a condition precedent which has been so fully complied with should be withheld and made conditional upon the results of other negotiations which are not mentioned in the German law, and which have no actual connection with this matter of fact or practice. And he is also requested again to urge upon the Imperial Government that fair reciprocity would seem to require the immediate publication of the notice spoken of.

The undersigned avails, etc.,

WM. WALTER PHELPS.

Mr. Phelps to Mr. Foster.

No. 477.] LEGATION OF THE UNITED STATES,
Berlin, August 28, 1892. (Received September 13.)

SIR: Referring to my dispatch No. 460, of the 30th of June last, with which I inclosed a copy of my note relating to the protection of American inventors in Germany, addressed to Baron von Marschall on that date, I have the honor to now transmit a copy, with translation, of a reply thereto received to-day from the foreign office.

From the inclosed note it appears that the German Government is not of the opinion that the privileges granted German inventors in the United States are of a character to justify the publication in the Imperial Gazette necessary under the German patent law to give protection to American inventors. The inclosed note also informs the legation that the German chargé d'affaires at Washington has been instructed to present to the American Government in a detailed manner the grounds upon which this opinion is based.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure in No. 477.—Translation.]

Baron von Rotenhau to Mr. Phelps.

FOREIGN OFFICE,
Berlin, August 26, 1892.

Replying to the esteemed communication of June 30, last, the undersigned has the honor to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. William Walter Phelps, that the question as to whether the laws of the German Empire and the United States extend full reciprocity, with respect to the period of application for patents which have already been published in foreign patent documents, has been made the subject of close examination.

After this examination the Imperial Government finds itself unable to concur in the views set forth in the communication of the 30th of June, according to which equal or even greater privileges are accorded to German applicants for patents in the United States than are granted to foreign applicants by section 2, subdivision 2, of the German patent law. To its regret it finds itself now still unable to cause the insertion in the Imperial Gazette of a notice recognizing that reciprocity is granted by America, and extending to United States citizens the privilege of the German provision of law above cited.

The Imperial Government participates entirely in the wish that an agreement may be reached with the United States with respect to the matter to which the envoy reverts. It must, however, desire that this take place in the framework of an agreement which shall at the same time regulate other matters relating to patents, to bring about which, as is known to the envoy, negotiations were instituted some time ago.

While the undersigned permits himself to add that the Imperial chargé d'affaires at Washington has been instructed to communicate in a detailed manner to the Government of the United States the grounds upon which the Imperial Government bases its views with respect to this question, he at the same time avails, etc.,

ROTENHAU.

Mr. Adee to Mr. Phelps.

No. 465.] DEPARTMENT OF STATE,
Washington, September 5, 1892.

SIR: I am constrained to again invite your attention to the Department's Nos. 420, of May 19, and 435, of June 15, 1892, in the matter of the discrimination practiced against United States patentees by the German Government, and to inclose for your information a copy of a letter from Mr. Henry Connett, of New York, of the 8th ultimo, which seems to indicate a total discrimination in Germany against citizens of this country in such matters.

The Department has frequently received complaints from private citizens, as well as from official sources, against this action by Germany, and regrets that a different course should not be adopted.

The German patent law now in force proposes to give, as you are aware, a certain privilege to citizens of countries which grant a corresponding privilege to German subjects.

Notwithstanding the fact, well known in Germany, that the Government of the United States does grant that privilege to German subjects, the authorities of that country refuse to take the single step that their law has made necessary, in order that American inventors may enjoy the reciprocal privilege in Germany, where it is of great importance to them.

The subject is one that calls for earnest and continuous effort, until official steps are taken to guarantee to American citizens the benefit of section 2 of the German patent law.

The liberality of our patent laws towards aliens has practically disarmed this Government for controversies with foreign states in which equality of treatment is sought for American inventors.

It is proper to add, however, that Congress in its last session endeavored to remedy this defect by a bill offered by Senator Platt, July 27 last, entitled "A bill to amend the patent laws."

This bill provided that "no patent shall be granted for an invention which has been patented or officially made public in any foreign country, unless such country shall grant the same privilege to citizens of the United States, or unless the application shall be made under a treaty or convention between the United States and such country."

It was read twice and referred to the Committee on Patents.

You will accordingly write again to the minister for foreign affairs upon this subject, unless meanwhile the required publication has been made.

It is not intended that you shall prominently assert the threat of retaliatory legislation, but in mentioning it you may say that Congress having adjourned without final action on the bill it would be very gratifying to the President to announce, at the reopening of its session in December next, that the matter had been disposed of so far as Germany is concerned.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure in No. 465.]

Mr. Connett to Mr. Foster

NEW YORK, *August 8, 1892.* (Received August 9.)

SIR: I inclose herewith a slip cut from a letter from my correspondent in Berlin, respecting the abominable discrimination of the German Goverment officials against citizens of this country in the matter of patents.

You are doubtless advised as to the new German patent law, which allows three months grace to citizens of such countries as reciprocate, provided the name of such country is published by the German chancellor, as provided by paragraph 2. This country grants to German subjects ample reciprocity, as stated on the slip.

There appears to be no way of meeting arrogant insults of their character except by retaliation, and our Congress should enact at once an amendment of the patent act providing that German subjects shall be subjected to precisely the same restrictions with respect to their applications here that citizens of this country are subjected to there.

I am aware that these matters move slowly, and probably nothing will be done to right us, but the uniform injustice to American applicants for patents in Germany, as contrasted with our exceedingly liberal treatment of German subjects, is exceedingly galling to all of us interested.

Very respectfully,

HENRY CONNETT.

Important.

According to a notice just received from the Patent Office, American inventors must file their cases in Germany before issue in the States, the Patent Office having declared "that United States citizens do not enjoy the privileges offered by paragraph 2 of the new law," in spite of the United States office practice being more than reciprocal as called for by said paragraph.

Mr. Foster to Mr. Phelps.

No. 469.] DEPARTMENT OF STATE,
Washington, September 14, 1892.

SIR: I have to acknowledge the receipt of your No. 477 of the 28th ultimo, from which it appears that the German Government is of opinion that the privileges granted German inventors in the United States do not justify the required publication in the "Imperial Gazette," in view of section 2 of the German patent law of October 1, 1891, in order to accord protection to American inventors.

A copy of your dispatch has been sent to the Secretary of the Interior for the information of the Commissioner of Patents, but the Department awaits the promised note from the German chargé d'affaires here, giving in detail the grounds of the decision of his Government before formally replying to your dispatch.

I am, etc.,

JOHN W. FOSTER.

Mr. Phelps to Mr. Foster.

No. 487.] LEGATION OF THE UNITED STATES,
Berlin, September 22, 1892. (Received October 6.)

SIR: I have to acknowledge the receipt of the Department's instruction No. 465, of the 5th instant.

I presume that soon after this instruction was sent the Department received my dispatch of the 28th of August, No. 477. It will be seen from the note of the foreign office which I inclosed in it that the foreign office preferred not to discuss the subject in question with me, and said it would instruct its chargé d'affaires to give a detailed answer in Washington, where all negotiations up to this time have been carried on.

I have, etc.,

WM. WALTER PHELPS.

Mr. Adee to Mr. Phelps.

No. 478.] DEPARTMENT OF STATE,
Washington, October 7, 1892.

SIR: I have received your No. 487, of the 22d ultimo, concerning the protection of American inventors in Germany. You are correct in your inference that the Department's instruction No. 465, of the 5th

ultimo, was indicted and forwarded just previous to the receipt of No. 477 of August 28 last. The note of the German Government referred to in that dispatch has since been received and acknowledged.

For your information and file I inclose a copy of Baron von Ketteler's note of the 15th ultimo, setting forth the reasons that prompt his Government in not making the desired publication provided by section 2, paragraph 2, of the new German patent law of April 7, 1891, in the Imperial Law Journal, in order that protection may be extended to American inventors in Germany, especially in view of the liberality of our patent laws.

In sending a copy of this note to the Secretary of the Interior for the information of the Commissioner of Patents, comment was made as follows:

> The Department fails to see the conclusiveness of the German reasoning in this case for its refusal to publish the notice repeatedly requested by this Government through its minister at Berlin.
>
> There is, however, an intimation in Baron Ketteler's note that a reply to the counter proposition of the United States in the matter of the pending negotiation for the protection of patents, samples, and trade-marks may be expected at an early date. The conclusion of such an arrangement may provide a remedy for this unequal and unsatisfactory situation in the absence of a public statute such as was presented at the last session of Congress.

Baron Ketteler's note was simply acknowledged by subject.

This action of the German Government necessarily estops you from carrying out the the direction in instruction No. 465, unless that Government shall voluntarily renew the subject. But it is not to be expected, after the assembling of Congress in December next, unless the conclusion of the proposed convention with Germany alters the situation, that this Government will submit to its citizens being thus denied their clear right in Germany which the laws of that country grant as a reciprocity for the more liberal privileges extended to foreigners by our statute.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Foster to Mr. Phelps.

No. 496.] DEPARTMENT OF STATE,
Washington, November 18, 1892.

SIR: In 1884 the Government of Her Britannic Majesty put forward a proposal for an international understanding looking to the eventual establishment of a general system whereby the supply of liquors, arms and explosives to the native Pacific Islanders might be effectively prevented. It was at once favorably welcomed, in principle, by this Government, subject to further information as to the scope and form of the proposed agreement.

The subsequent course of the negotiation is not necessary to be herein recounted, nor commented upon further than to observe that, in the absence of a formulated plan of agreement and in the confusion engendered in the course of the comparison of views among the various states, the attitude of the United States in this regard has been seriously misunderstood, and even regarded as obstructive to a general accord.

The recent submission of a draft agreement by Her Britannic Majesty's Government has, however, afforded this Government a gratifying opportunity to set itself right on the record and confirm by favorable action now upon the detailed plan the acquiescence in the general principle which it cheerfully announced in August, 1884.

In the supposition that the British proposal may be under consideration by the Government of Germany, and to enable you to respond to any friendly inquiries which may be put to you respecting the views of the United States upon the subject, I inclose, for your information, copies of a note addressed by me to Her Britannic Majesty's chargé d'affaires on the 11th ultimo, expressing concurrence in the proposed plan, with some necessary minor reservations.

I am, sir, your obedient servant,

JOHN W. FOSTER.

Same, *mutatis mutandis*, to the principal powers.

Mr. Phelps to Mr. Foster.

No. 510.] LEGATION OF THE UNITED STATES,
Berlin, November 29, 1892. (Received December 16.)

SIR: Referring to the case of John Haberacker, I have the honor to acknowledge the receipt of the Department's instruction No. 381, of March 19 last, the contents of which were embodied by me in a note (F. O. No. 321) to the foreign office on April 12.

I am to-day informed by the foreign office, in a note dated November 28, 1892, a copy and translation of which are herewith inclosed, that, as this case has practically been settled by the desertion of the said Haberacker from the Bavarian army, the Imperial Government prefers not to continue the discussion of the question which it involves.

I have, etc.,

WM. WALTER PHELPS.

[Inclosure in No. 510.—Translation.]

FOREIGN OFFICE,
Berlin, November 28, 1892.

Referring to the note of April 12, last (F. O., No. 321) the undersigned has the honor to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. William Walter Phelps, that, according to information received from the Royal Bavarian Government, John Haberacker deserted on March 31, 1891, and has not as yet been captured.

As the affair has actually been settled hereby, the undersigned assumes that he may refrain from a further discussion of the questions which have arisen, but begs to remark that the Royal Bavarian Government, after renewed investigation, still maintains, as heretofore, the entire correctness of the views which have been set forth in the undersigned's note of December 1 last.

The undersigned avails, etc.,

ROTENHAU.

CORRESPONDENCE WITH THE GERMAN LEGATION AT WASHINGTON.

Mr. Alfons Mumm von Schwarzenstein to Mr. Blaine.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, November 3, 1891. (Received November 5.)

Mr. SECRETARY OF STATE: The envoy of the United States at Berlin proposed, by a note bearing date of April 22, 1891, in connection with the recently introduced reform of German patent legislation, an arrangement between the Empire and the United States of America for the reciprocal protection of patents.

Presuming that this proposition, although it expressly mentioned patents for inventions only, was not, and could not have been, designed to exclude other industrial rights from being regulated by treaty, the Imperial Government welcomes it with satisfaction.

The Imperial Government is consequently prepared, in compliance with the suggestion of the Government of the United States of America, to conclude an arrangement with it for the reciprocal protection of patents, samples, and trade-marks, for which arrangement the principles of the union might, in the opinion of the Imperial Government, serve as a model, so far as this is allowed by the legal institutions and economical interests in the territories of both parties.

I have the honor to inclose six copies of the proposals made by the Imperial Government for the conclusion of an arrangement, together with a few explanatory remarks, and I would at the same time express the hope that these proposals may be taken as a basis for subsequent negotiations.

In case the United States Government may desire to familiarize itself with the German laws bearing upon this matter, I have the honor, in each additional inclosure, to transmit a copy of the law for the protection of trade-marks, dated November 30, 1874; a copy of the law concerning the rights of originators in patterns and models, dated January 11, 1876; a copy of the patent law of April 7, 1891; and, finally, a copy of the law relative to the protection of utility patterns, dated June 1, 1891.

I have the honor to request that I may, as speedily as practicable, be acquainted with the views of the Government of the United States of America as regards these propositions, and I avail myself of this occasion to offer you, Mr. Secretary of State, a renewed assurance of my most distinguished consideration.

A. v. MUMM.

Hon. JAMES G. BLAINE,
Secretary of State of the United States, Washington.

[Inclosure 1.—Translation.]

Proposed arrangement between Germany and the United States of America for the Reciprocal Protection of patents, patterns, and trade-marks.

ARTICLE 1.

The subjects or citizens of each of the contracting parties shall enjoy the same rights in the territory of the other party that are there enjoyed by its own subjects or citizens as regards the protection of inventions, patterns, and models, and of trade-marks, firms, and names.

ARTICLE 2.

Other persons whose residence or principal establishment is in the territory of the contracting parties are considered, by this arrangement, as being on the same footing with the subjects or citizens of the said parties.

ARTICLE 3.

If notice is given of an invention, pattern, model, or trade-mark in the territory of one of the contracting parties with a view to the obtainment of protection, and if such notice is also given, within the time designated below, in the territory of the other contracting party, then—

(*a*) The latter notice must precede all notices that have been given in the territory of the other party subsequently to the time when the former notice was given.

(*b*) The object of the former notice shall not be deprived of its recency in the territory of the other party by circumstances arising subsequently to the time when the said notice was given.

The time fixed is six months. In the case of patterns and models, and also of trade-marks, it begins at the time when the first notice is given, and in that of inventions it begins at the time when the patent is granted.

ARTICLE 4.

The importation of goods manufactured in the territory of one party, on the ground of an invention of a pattern or model, into the territory of the other party, shall involve no unfavorable consequences as regards the protection of the pattern or model in the territory of the latter.

ARTICLE 5.

The owner of a trade-mark that has been registered in the territory of one of the parties can not be prohibited from registering the same in the territory of the other party on the ground that the external form of the mark does not meet the requirements of the laws.

ARTICLE 6.

For trade-marks that are generally considered, in the territory of one party, as distinguishing the goods of a particular association of manufacturers in that territory, or of a particular district or locality belonging to that territory, the subjects or citizens of the other party can not obtain protection. The same is the case as regards coats of arms and other signs or emblems that are reognized in the territory of the other party as appertaining to the State, a community, or any public association

ARTICLE 7.

Each of the contracting parties shall adopt measures to prevent the sale and the offering for sale of goods that are designated incorrectly, and with intent to deceive, as coming from a locality situated in the territory of the other contracting party.

EXPLANATORY REMARKS.

The main principle laid down in article 1, which places the subjects or citizens of both contracting parties on the same footing in respect to the acquisition and assertion of industrial rights in each of the two countries, correspond to article 2 of the union treaty of March 20, 1883. For the obtainment and exercise of these rights the laws of that country whose protection is sought are, of course, to be complied with, in so far as the following articles do not involve an exception.

In the wording of article 2 the resolutions of the Madrid Conference concerning the "assimilation of foreigners" have been borne in mind. As the principal manufacturing countries belonging to the union are not willing to allow the subjects or citizens of other countries to be placed on the same footing [with their own subjects or citizens], unless they reside in a country belonging to the union, or unless their principal industrial establishment is in such a country, the countries that do not belong to the union will be compelled, for the present, to adopt this restriction, in order to prevent the situation of their own subjects or citizens from being rendered less favorable than that of the subjects or citizens of the union countries.

In the subsequent articles those persons who are benefited by the stipulations of the treaty, according to articles 1 and 2, are not again designated. It is understood from the contents of the latter article that the privileges proposed in articles 3, 4, and 5 are not to be granted to the subjects or citizens of third States who are not

placed by article 2 on the same footing with the subjects or citizens of the contracting parties.

In Article 3 the principle laid down in Article 4 of the treaty concluded by the union is formulated in a manner that will probably be found to harmonize with the form of the protective arrangements in Germany and the United States.

Under the head of patterns and models are to be understood all articles that are to be considered as samples in matters either of taste or utility. The laws of the two countries differ, it is true, in that while America does not, Germany does recognize a previous material examination in this line; the length of the time fixed for securing rights of priority will, however, in all probability, meet the interest of America also.

As to inventions, properly so called, no advantages would accrue to persons announcing them in the States which make the issuance of a patent dependent upon an official examination as to whether the distinguishing characteristics of an invention are present, if the time fixed for securing the right of priority should begin at the time of giving notice of the invention. The United States of America have already become convinced of this, and at the Madrid conference they laid stress upon the fact that the union treaty, in its present form, possessed no value so far as their territory was concerned. The two other States of the union which do not allow patents to be issued until an examination has taken place, viz, Sweden and Norway, have endeavored to remedy the difficulty by considering—in virtue of their domestic laws—the time when the patent is granted as the beginning of the period fixed by the union treaty.

A special stipulation providing that a [the] notice, on the ground of which the privilege is rendered valid, shall meet the formal requirements of the country in which it is given, does not appear to be necessary. The party seeking protection will, on subsequently giving notice in the other country, have to prove, by the presentation of official certificates, that these requirements have been complied with. On the other hand, as to the material requirements concerning the notice, they are to be judged exclusively according to the laws of the country in which the grant of the right is sought.

The effects of the privilege are circumscribed in the same way as in Article 4 of the union treaty.

The proposition made in Article 4 contains a statement of the principles laid down in Article 5 of the union treaty, which are contradictory, and have, consequently, not been uniformly carried out by the individual States of the union.

Article 5 reproduces the principle touching the reciprocal recognition of presumptions for the registration of trade-marks contained in Article 6 of the union treaty. The wording of the article has been changed from that of Article 6 of that treaty, so that it may appear with certainty that a privilege in itself is to be granted only as regards the external condition of the mark (form, composition, etc.), while, with respect to the other presumptions relative to registration, the laws of the country in which registration is applied for are to be obeyed. That the treaty of March 20, 1883, is the outcome of the same views, appears from the final protocol in the part referring to Article 6.

The main object of Article 6 is to reconcile the conflicting interests of individual manufacturers and of large associations connected by similar industrial interests.

As to Article 7, the resolutions adopted by the Madrid conference concerning the prevention of improper designations of goods are of so comprehensive a character, and for that very reason so little circumscribed, that there appears to be considerable room for doubt whether they will be efficiently and uniformly enforced even in those States of the union in which they are ratified. To this must be added that several States of the union have, from the very outset, been strenuously opposed to the resolutions. Yet, even in a material point of view, it appears to be a very hazardous proceeding to hamper and disturb trade and business relations by regulations of general application, concerning the scope of which even an approximately correct opinion can not be formed in advance. The effect of such provisions goes far beyond the object had in view, viz, the prevention of dishonest speculation.

The draft occupies essentially the same ground as the union treaty of March 20, 1883, and seeks, by a clear provision, which can easily be carried out, to prepare the way for the abolition of prevailing abuses. Article 7 prohibits all persons from mentioning, with intent to deceive, any locality situated in the territory of the other party as the place of origin. It is not intended to exclude hereby such designations from which it is merely to be inferred that the goods are made by the same manufacturing process, and that they possess the same qualities as goods manufactured in the foreign locality. It is not advisable to regulate, in the treaty itself, the way and manner in which the prohibitory provision of each country is to be executed (penal provisions, prohibition to import, seizure), especially since the union treaty and the Madrid resolutions allow freedom of action in this respect to the individual countries.

[Inclosure 2.—Translation.]

An act for the protection of trade-marks, dated November 30, 1874.

We, William, by the grace of God, German Emperor, King of Prussia, etc., hereby order, in the name of the German Empire, with the consent of the Bundesrath and the Reischstag, as follows:

SECTION 1. Manufacturers, whose firm names have been entered in the commercial register, may give notice, before the competent court (for the purpose of having them entered in the commercial register of the place where their principal establishment is situated), of trade-marks, which are to be placed upon their goods or upon the packages containing them, with a view to distinguishing said goods from those of other manufacturers.

SEC. 2. The notice must be accompanied by a plain representation of the trade-mark (section 1), together with a list of the kinds of goods for which the mark is intended, and the signature of the firm.

SEC. 3. The registration of trade-marks whose use is protected by law for the giver of the notice concerning them, and that of marks which, up to the beginning of the year 1875, have been generally known in the trade as distinguishing the goods of a particular manufacturer, shall not be refused.

Registration shall, however, be refused if the marks consist entirely of numbers, letters, or words, or if they contain public armorial bearings or representations likely to give offense.

SEC. 4. Registration shall take place in the name of the firm giving the notice. The time when the notice is given shall be mentioned in the registration. If a trade-mark that has been previously registered shall be registered anew, owing to the removal of the principal establishment, the time when the first notice was given shall be mentioned when such trade-mark is reregistered.

SEC. 5. A registered trade-mark shall, on application of the firm, be canceled.

Cancellation shall take place—

1. When the firm name is canceled in the commercial register.

2. When notice is given of a change in the firm, and no notice is given, at the same time, that the trade-mark is to be retained.

3. When ten years have elapsed since the registration of the mark without any notice having been given of its retention, or since the date of such notice without any renewal thereof.

4. When the mark, according to section 3, should not have been recorded.

SEC. 6. The first registration and the cancellation of a trade-mark shall be announced in the German Advertiser of the Empire (Reichs-Anzeiger).

The cost of the announcement of the registration shall be borne by the firm.

SEC. 7. A fee of 50 marks shall be required for the first registration of a trade-mark not protected by law.

The governments of countries may remit the fee for the registration of marks which, up to the beginning of the year 1875, have been generally known in the trade as distinguishing the goods of a particular manufacturer.

No fee shall be required for other registrations and cancellations.

SEC. 8. The firm for which notice was first given shall have the exclusive right to place marks of which notice has been given to the commercial register on goods or on the packages containing them, or to introduce goods thus marked into the trade.

SEC. 9. No person can, by giving notice, acquire a right to trade-marks protected by law, or to marks which, up to the beginning of the year 1875, were generally known in the trade as distinguishing the goods of a particular manufacturer, with the exception of the owners who are legally protected or who are generally recognized in the trade, provided that the said owners give notice prior to October 1, 1875.

SEC. 10. No one shall be prevented, by the announcement of a trade-mark containing letters or words, from using his name or that of his firm, although it be in an abbreviated form, for the purpose of distinguishing his goods.

No person can, by giving notice, acquire a right to trade-marks which have hitherto been freely used by all or by certain classes of manufacturers, or the registration of which is not permissible.

SEC. 11. A firm for which a trade-mark has been registered must allow that mark to be canceled on the application of a person who has the right to prevent it from using the mark, or, if the trade-mark is one of those mentioned in section 10, paragraph 2, the firm must allow it to be canceled on the application of an interested party.

SEC. 12. The right acquired by giving notice of a trade-mark shall be canceled—

1. When the notice is withdrawn, or when application is made for its cancellation by the firm having acquired such right.

2. In one of the cases contemplated in section 5, Nos. 1, 2, and 3.

SEC. 13. Any manufacturer or dealer doing business in the territory of the German Empire may bring an action at law against any person who shall illegally mark goods or the packages containing them with a trade-mark to whose protection such manufacturer or dealer is entitled according to the provisions of this act, or against any person who shall illegally mark goods or the packages containing them with the firm name of such manufacturer or dealer, the object of such action at law being to secure a decision to the effect that the person so marking his goods or the packages containing them has no right to do so.

A manufacturer or dealer may, in like manner, bring an action at law against any person who shall introduce into the trade or expose for sale illegally marked goods, the object of such action at law being to secure a decision that such person has no right to introduce goods thus marked into the trade or to expose the same for sale.

SEC. 14. Any person who shall knowingly mark goods or the packages containing them with a trade-mark which, according to the provisions of this act, is entitled to protection, or who shall knowingly mark them with the name, or the firm name of a manufacturer or dealer doing business in the Empire, or who shall knowingly introduce into the trade, or expose for sale such illegally marked goods, shall be punished by a fine of from 150 to 3,000 marks, or by imprisonment for a term not exceeding six months, and shall be liable to the injured party for damages.

Prosecutions shall be instituted on application only.

SEC. 15. Instead of any damages based on the ground of this act, a fine, the amount of which shall not exceed 5,000 marks, may, on application of the injured party, be ordered to be paid to him in addition to the penalty. The convicted parties shall be liable as joint debtors for the payment of this fine.

When the payment of a fine is ordered, this shall exclude the presentation of any further claim for damages.

SEC. 16. The court shall decide, according to its convictions, after duly considering all the circumstances, whether any damage has been done; and, if so, what the amount thereof is.

SEC. 17. If a sentence is pronounced on the ground of section 14, the destruction of the marks on the packages or the goods shall, on application of the injured party, be ordered as regards the goods in possession of the convicted party; or, if the removal of the marks is possible in no other way, the destruction of the packages or of the goods themselves shall be ordered.

If a sentence is pronounced in penal proceedings the injured party shall be authorized to publish the sentence at the expense of the convicted party. The manner and time of publication shall be fixed in the sentence.

SEC. 18. The protection granted to the owner of a trade-mark, of a name, or of a firm name by the provisions of this act shall not be forfeited by the fact that the trade-mark, the name, or the firm name is reproduced with alterations that can be perceived only by very close observation.

SEC. 19. Civil suits in which a claim is preferred by complaint, in accordance with the provisions of this act, shall, in the sense of the laws of the Empire and of the countries composing it, be considered as commercial cases.

SEC. 20. The provisions of this act shall be applicable to the trade-marks of manufacturers not having a commercial establishment in the territory of the Empire, and likewise to the names or the firm names of foreign manufacturers or dealers, when German trade-marks, names, and firm names are (in pursuance of a notice inserted in the paper in which the laws are published by authority) protected in the country in which their establishment is situated; but the said provisions shall be applicable to trade-marks (section 1) on the following conditions:

1. Notice concerning a trade-mark must be given to the court of commerce, with a declaration that the giver of the notice will hold himself amenable to the jurisdiction of the aforesaid court in complaints presented on the ground of this act.

2. The notice must be accompanied by proof that, in the foreign country, the conditions are fulfilled on which the giver of the notice may there claim protection for the mark.

3. The notice shall serve as the basis of a right only so far and so long as the giver of the notice is protected, in the foreign country, in the use of the mark.

SEC. 21. This act shall take effect on the 1st day of May, 1875.

The provisions of the laws of the country shall, nevertheless, be applicable to trade-marks that have been protected by law up to this [that?] date, until notice shall have been given in pursuance of this act, at the latest until October 1, 1875.

In testimony whereof we have hereunto set our hand and caused our imperial seal to be affixed.

Done at Berlin November 30, 1874.

[L. S.] WILLIAM.

PRINCE V. BISMARCK.

[Inclosure 3.—Translation.]

An act relative to the rights of originators in patterns and models, dated January 11, 1876.

We, William, by the grace of God, German Emperor, King of Prussia, etc., hereby order, with the consent of the Bundesrath and the Reichstag, as follows:

SECTION 1. The right to copy an industrial pattern or model, either in whole or in part, belongs exclusively to its originator.

None but new and peculiar productions shall be considered as patterns or models in the sense of this act.

SEC. 2. In the case of patterns and models that are made by draftsmen, painters, sculptors, etc., who are employed in a manufacturing establishment in the territory of the Empire by order or for the account of the owner of the establishment, such owner, if no other arrangement is made by contract, shall be considered as the originator of the patterns and models.

SEC. 3. The right of the originator shall be transferable to his heirs. This right may, either by contract or by testament, be transferred to others.

SEC. 4. Making free use of individual component parts of a pattern or model in constructing a new pattern or model shall not be considered as copying.

SEC. 5. Any copy of a pattern or model that is made with the intent to circulate it without the consent of the originator or of the party or parties who have legally acquired his rights (sections 1 to 3) is hereby prohibited. A copy shall likewise be considered as prohibited—

1. When, in making it, a process is used which is different from that used in the original work, or when the copy is intended for a branch of industry different from that for which the original is used.

2. When the dimensions or colors of the copy are different from those of the original, or when the alterations made therein are such as can not be perceived without the exercise of special attention.

3. When the copy is not made directly from the original, but indirectly from a copy thereof.

SEC. 6. The following copies shall not be considered as prohibited:

1. A single copy of a pattern or model, provided that it is not made with intent to circulate or use it for industrial purposes.

2. Copies made of patterns that are on a plane surface by means of plastic materials, and inversely.

3. The insertion of copies of single patterns or models in a book or similar publication.

SEC. 7. The originator of a pattern or model shall not be protected against imitations unless he shall give notice thereof for registration in the register of patterns, and shall deposit a pattern, or a drawing thereof, with the officer having charge of the register of patterns.

The notice must be given and the deposit made before any article made from the pattern or model can be exposed for sale.

SEC. 8. The protection afforded by this act against copying shall be granted to the originator of a pattern or model, at his option, for from one to three years from the day on which notice shall have been given.

The originator shall, on payment of the fee provided for in section 12, paragraph 3, be entitled to an extension of the term for which protection is granted for a period not exceeding fifteen years. Any extension of the term shall be noted in the register of patterns.

SEC. 9. The register of patterns shall be in charge of the judicical authorities having charge of the commercial register.

It shall be the duty of an originator to give notice concerning his pattern or model to the court of the place where his principal establishment is situated, and also to deposit the said pattern or model with such court; and, if he does not do business under the name of a registered firm, to give such notice and make such deposit with the competent court of his place of residence.

Originators who have neither an establishment nor a residence in the territory of the Empire, must give their notice to, and make their deposit with, the court of commerce at Leipzig.

Patterns or models may be deposited open or sealed, single or in packages. Packages must not, however, contain more than fifty patterns or models, and must not weigh more than 10 kilograms. Special rules relative to the management of the register of patterns shall be issued by the chancellor of the Empire.

Packages of patterns that have been deposited sealed shall be opened three years after the notice shall have been given, or, if the term for which protection is granted is shorter, at its expiration.

The registration and the extension of the term of protection (section 8, paragraph

2) shall be advertised every month in the German Advertiser of the Empire. The cost of advertising shall be paid by the giver of the notice.

SEC. 10. Entries shall be made in the register of patterns without any previous examination with regard to the right of the applicant or the correctness of the facts stated for entry.

SEC. 11. All persons shall be at liberty to examine the register of patterns and such patterns and models as are not sealed, and to procure authenticated extracts from the register of patterns. In case of dispute as to whether a pattern or model is protected against copying, even sealed packages may, for the purpose of procuring a decision, be opened by the officers having charge of the register of patterns.

SEC. 12. All statements, proceedings, attestations, authentications, depositions, extracts, etc., shall require no stamps.

For each registration and deposit of a single pattern, or of a package containing patterns, etc. (section 9), a fee of 1 mark for each year shall be payable, unless a term of protection not exceeding three years is claimed. (Section 8, paragraph 1).

If the originator claims a longer term of protection, according to section 8, paragraph 2, he shall pay a fee of 2 marks for each additional year until the tenth year, inclusive, and from eleven to fifteen years he shall pay a fee of 3 marks for each single pattern or model. For each certificate of registration and for each additional extract from the register of patterns a fee of 1 mark shall be required.

SEC. 13. Any person who shall have given notice concerning a pattern or model, in order to have it entered in the register of patterns, and who shall have made his deposit in the manner required by section 7, shall be considered as an originator until proof to the contrary is furnished.

SEC. 14. The provisions of sections 18 to 36 and section 38 of the act of June 11, 1870, relative to the rights of authors in literary works, etc. (Law Gazette for 1870, p. 339), shall be applicable to the rights of originators in patterns and models, with the restriction that copies found and contrivances intended for illegal multiplications shall not be destroyed, but shall, at the expense of the owner and at his option, either be deprived of their jeopardizing form or officially kept on deposit until the expiration of the term of protection.

Unions of experts, which, according to section 31 of the act aforesaid, are required to give their opinions concerning the copying of patterns or models, shall be composed of artists, manufacturers of various articles, and other persons who are familiar with pattern and model business.

SEC. 15. Civil suits in which a claim is preferred for indemnity, enrichment, or confiscation shall be considered, in the sense of the laws of the Empire and of the countries composing it, as commercial cases.

SEC. 16. This act shall apply to all patterns and models of originators residing in the Empire, provided that the articles made according to the patterns or models are manufactured within the territory of the Empire, without regard to whether they are sold in the Empire or in a foreign country.

When foreign originators have their industrial establishments in the territory of the German Empire they shall enjoy the benefit of this act for their goods manufactured in the Empire.

The protection extended to foreign originators shall be regulated by existing treaties.

SEC. 17. This act shall take effect on the 1st day of April, 1876. It shall be applicable to all patterns and models made subsequently to the day on which it shall have taken effect.

Patterns and models made previously to that day shall not enjoy the benefit of the protection of this act unless the first article made according to the pattern or model has been offered for sale after April 1, 1876.

Patterns and models that have hitherto been protected from imitation by a law of one of the countries composing the Empire shall still be thus protected; such protection can not, however, extend beyond the territory for which it was originally granted.

In testimony whereof we have hereunto set our hand and caused our imperial seal to be affixed.

Done at Berlin, January 11, 1876.

[L. S.] WILLIAM.

Prince von Bismarck.

PRINCE VON BISMARCK.

[Inclosure 4.—Translation.]

Patent law, dated April 7, 1891.

We, William, by the grace of God, German Emperor, King of Prussia, etc., hereby order, in the name of the Empire, with the consent of the Bundesrath and the Reichstag, as follows:

ARTICLE I.

The following provisions are to take the place of sections 1 to 40 of the patent law of May 25, 1877 (Journal of the Laws of the Empire, p. 501):

CHAPTER 1.—*Patent rights.*

Patents shall be granted for new inventions that may be used for industrial purposes.

The following shall be excepted:

1. Inventions the use of which would conflict with the laws or with good morals.

2. Inventions of alimentary products and medicaments, and also of chemically prepared articles, unless the inventions relate to a special process for the preparation of the articles.

SEC. 2. An invention shall not be considered as new if, at the time of the notice given in public prints, as required by this law, during the last one hundred years, it has been so described or so publicly used in the territory of the Empire that its use by other experts seems possible.

Descriptions of patents officially published in foreign countries shall be considered as being on the same footing with public prints at the expiration of three months from the day of issue, provided that a patent is sought by the party who has given notice of the invention in a foreign country, or by his legal successor. This privilege shall, however, extend only to official descriptions of patents of those States in which reciprocity is guaranteed by a notice published in the Advertiser of the Empire.

SEC. 3. The party who has given first notice of the invention in the manner provided by this law shall be entitled to a patent. A subsequent notice can not furnish ground for a claim to a patent if the invention is the object of the patent of the party who has given the previous notice. If this supposition is partially realized, the one who has subsequently given notice shall only be entitled to a patent with proper restrictions.

The party applying for a patent shall not be entitled to one if the essential contents of his notice are taken from the descriptions, drawings, models, implements, or contrivances of another, or from a process used by another without his consent, and when objections are raised by the latter on this account. If the objection results in the withdrawal or the rejection of the notice, the party objecting, if he gives notice of the invention within one month from the communication of the decision of the patent office relating hereto, may require that the day before the publication of the former notice be fixed as the day of his notice.

SEC. 4. The effect of a patent shall be that the patentee is exclusively authorized to manufacture the object of the invention, to introduce it into the trade, to offer it for sale, or to use it. If a patent has been granted for a process, the effect extends to productions prepared directly by the said process.

SEC. 5. The effect of a patent shall not be operative against a person who, at the time when notice was given, had already made use of the invention in the Empire or had made the necessary preparation for using it. Such a person is authorized to make use of the invention for the requirements of his own business in his own factory or in those of others. This privilege can only be transferred or disposed of together with the business.

The effect of a patent shall not, moreover, become operative unless the invention, by direction of the chancellor of the Empire, is to be used for the army or navy, or otherwise in the interest of the public welfare. Still, the owner of the patent, in this case, shall be entitled to a suitable indemnity from the Empire or the State that has demanded the restriction of the patent for its own interest, and in case no agreement can be reached with regard to such indemnity, the matter shall be settled by process of law.

The effect of a patent shall not extend to arrangements on board of vessels temporarily entering the territory of the Empire.

SEC. 6. A claim for the issuance of a patent and the right accruing from a patent shall be transferable to the heirs of the holder. The claim and the right may be transferred to others in case of death, by agreement or by law, either with or without restrictions.

SEC. 7. The time for which a patent is granted shall be fifteen years. This period shall begin on the day following the announcement of the invention. If an invention has in view the improvement or further development of another invention, which is protected by a patent in favor of the applicant for a patent, he may make application for the issuance of a supplementary patent, which shall expire simultaneously with the patent for the earlier invention.

If a supplementary patent becomes an independent patent through the declaration of the nullity of the principal patent, its duration, and the day when the fees are due shall be determined according to the day when the principal patent begins. The day when the supplementary patent begins shall determine the yearly amount of the fees. In this the period between the day of the announcement of the supplementary patent and the next following anniversary of the commencement of the principal patent shall be considered as the first patent year.

SEC. 8. A fee of 30 marks shall be payable for each patent before it is issued. (Section 24, paragraph 1.)

With the exception of supplementary patents (section 7), a fee is to be paid for the patent at the beginning of the second and of each succeeding year of its duration; which fee shall be 50 marks the first time, and shall be increased by 50 marks each year thereafter.

This fee (paragraph 2) is to be paid within six weeks after it has become due. At the expiration of this period payment can not be made unless 10 marks are added to the fee within six additional weeks.

If the owner of a patent furnishes proof of indigence, the fees for the first and second years of the duration of the patent may be deferred until the third year, and if the patent is canceled in the third year they may be remitted.

The payment of the fees may take place before they are due. If a patent is relinquished, or declared to be null and void, or withdrawn, the fees which have not become due shall be refunded.

The fees may be reduced by a resolution of the Bundesrath.

SEC. 9. The patent shall be canceled when the owner thereof relinquishes it, or when the fees are not paid in due time at the treasury of the Patent Office or at a post-office within the German Empire, to be remitted to said treasury.

SEC. 10. A patent shall be declared to be null and void when it appears—

1. That the article was not entitled to a patent according to sections 1 and 2.

2. That the invention is the object of a patent of a party who has given earlier notice.

3. That the essential contents of the notice were taken from the descriptions, drawings, models, implements, or contrivances of another, or from a process employed by him without his consent.

If one of these suppositions (1, 2, and 3) is realized only in part, a declaration of nullity by proper restriction of the patent shall take place.

SEC. 11. A patent may be withdrawn at the expiration of three years, reckoned from the day of the announcement of its issuance (section 27, paragraph 1)—

1. If the owner of the patent neglects to bring the invention into use to a proper extent in the Empire, or neglects to do that which is necessary to cause it to be so brought into use.

2. If, in the public interest, it seems proper to grant permission to use the invention to others, and the patentee refuses to grant this permission in return for a suitable compensation and a satisfactory guaranty.

SEC. 12. A person residing in a foreign country can assert a claim to the granting of a patent, and to the rights accruing therefrom, only in case he has appointed a representative within the German Empire. Such representative shall have the right to represent his constituent in all proceedings taking place according to this law, likewise in civil suits relating to the patent, and he shall be authorized to institute prosecutions. The representative's place of residence, and in default thereof the place where the patent office is situated, shall be considered, according to section 24 of the ordnance concerning civil procedure, as the place where the articles of property are situated.

Provision may be made by an order of the chancellor of the Empire, issued with the consent of the Bundesrath, that the right of reprisal may be exercised against the subjects or citizens of a foreign state.

CHAPTER 2.—*Patent office.*

SEC. 13. It shall be the duty of the patent office to issue patents, declare them to be null and void, and to withdraw them.

The patent office is situated at Berlin. It shall consist of a president, of members who are eligible to the office of judge or to an office in the superior administrative service (members possessing a legal education), and of members who are experts in

some technical branch (technical members). The members shall be appointed by the Emperor, and the president shall be nominated by the Bundesrath. The members possessing a legal education shall, when they fill an office in the service of the Empire or the state, be appointed for the duration of that office, otherwise for life. The technical members shall be appointed either for life or for five years. In the latter case the provisions of section 16 of the law concerning the legal situation of officials of the Empire, dated March 31, 1873, shall not be applicable to them.

SEC. 14. The following divisions shall be formed in the patent office:

1. Divisions for notices concerning patents (notice division).

2. A division for applications for declarations of nullity or for the withdrawal of patents (nullity division).

3. Divisions for complaints (complaint division).

In the notice division only technical members may be employed who have been appointed for life. The technical members of the notice division shall not be employed in the other divisions, and the technical members of the other divisions shall not be employed in the notice division.

The presence of at least three members shall be required to render the decisions of the notice division valid, and of these three members two must be technical members.

The decisions of the nullity division and of the complaint division shall require the presence of two members possessing a legal education and three technical members. The presence of three members shall be sufficient for the adoption of other decisions.

The provisions of the ordinance concerning civil procedure with regard to the exclusion and declination of magistrates shall be properly enforced.

Experts who are not members may be admitted to these deliberations, but they shall take no part in voting.

SEC. 15. The resolutions and decisions of the divisions shall be adopted in the name of the patent office; the grounds on which they are based shall be stated; they shall be drawn up in writing and furnished to all who are officially concerned.

SEC. 16. Complaint may be made of the decisions adopted by the notice division and the nullity division. No member who has been concerned in the decision complained of may take part in the adoption of the decision concerning the complaint.

Sec. 17. The formation of the divisions, the assignment of their work, the forms of procedure, including the delivery service, and the procedure of the patent office shall, in case no provision is made therefor by this law, be regulated by imperial ordinance, with the consent of the Bundesrath.

Sec. 18. It shall be the duty of the patent office to issue opinions in regard to questions connected with patents at the request of the courts, when, in the judicial proceedings, conflicting opinions have been pronounced by several experts.

The patent office, however, is not authorized to render decisions or to pronounce opinions outside of its legal sphere without the consent of the chancellor of the Empire.

SEC. 19. A list shall be kept at the patent office in which shall be mentioned the objects of the patents granted and the duration thereof, and likewise the names and residences of the owners of the patents and of such representatives as they may have appointed at the time of giving notice of their inventions. Mention shall be made in the list of the beginning, expiration, extinction, and declaration of the nullity of the patent and of the withdrawal thereof, and the same shall, at the same time, be published in the Advertiser of the Empire.

If any change is made in the person of the patentee or in that of his representative, such change shall likewise be mentioned in the list, and published in the Advertiser of the Empire, when it is brought in an authentic form to the knowledge of the Patent Office. Until this is done the former patentee and his former representative are authorized and bound according to this law.

All persons are at liberty to inspect the list, the description, drawings, models, and samples on the basis of which the patent has been granted, provided that a patent is not concerned which has been taken out in the name of the Imperial Government for the use of the Army or Navy.

The Patent Office shall publish the essential portions of the descriptions and drawings, provided that they are open to the inspection of the public, in an official gazette. The announcements which, according to law, are to be published in the Advertiser of the Empire are likewise to be printed in the said gazette.

CHAPTER 3.—*Procedure in patent cases.*

SEC. 20. Notice of an invention for which it is desired to secure a patent shall be given in the patent office in writing. A separate notice shall be required for each invention. The notice must contain an application for the issuance of a patent, and in such application the article to be protected by the patent shall be accurately

designated. The invention is to be described in an appendix in such a manner that the use of the same by other experts shall appear possible. At the close of the description that which is to be placed under protection as patentable (claim for a patent) shall be mentioned. The necessary drawings, representations, models, and samples shall also be added.

The patent office shall make provision with regard to the other requirements concerning the notice.

Until the decision concerning the publication of the notice, changes shall be admissible in the statements therein contained. Simultaneously with the giving of the notice 20 marks shall be payable for the costs of procedure.

SEC. 21. A preliminary examination of the notice shall be made by a member of the notice division.

If the notice does not seem to meet the requirements prescribed (section 20), the applicant for a patent shall be summoned to make good the deficiencies within a determinate period.

If the preliminary examination shows that the invention is not patentable according to sections 1, 2, and 3, paragraph 1, the applicant shall be so informed, shall be made acquainted with the reason, and shall be summoned to say what he may have to say within a given period.

If the applicant for a patent does not comply with the summons (paragraphs 2 and 3) in due time, the notice shall be considered as having been withdrawn; if he does explain himself within the time allowed, the notice division shall adopt a decision.

SEC. 22. If the notice does not meet the prescribed requirements (section 20), or if it appears that the invention is not patentable according to sections 1, 2, and 3, paragraph 1, the notice shall be rejected by the division. The member who issued the summons shall not take part in the adoption of the decision.

If the rejection is to take place on the ground of circumstances that have not been made known to the applicant in the summons, an opportunity shall be given to him to make a statement relative to the said circumstances within a specified time.

SEC. 23. If the patent office considers the notice to have been given in due form and the issuance of a patent to be proper, it shall order the publication of the notice. When the publication has taken place, the legal effect of the patent shall be provisionally enjoyed, as regards the object of the notice, by the applicant for a patent (sections 2, 4, and 5).

When the publication takes place, the name of the applicant for a patent and the essential contents of his application shall be published once in the Advertiser of the Empire. The announcement is also to be made that the object of the notice is to be provisionally protected against unauthorized use.

At the same time the notice, with all its appendixes, is to be opened to the inspection of the public in the patent office. It may be ordered, in the manner provided by section 17 of the law, that such notice and appendixes are to be opened to the inspection of the public outside of Berlin also.

The publication may, at the request of the applicant, be deferred for six months, at most, from the day of the decision concerning the publication. The postponement for a period not exceeding three months shall not be refused.

If a patent is concerned for which application is made in the name of the Imperial Government for the use of the army or navy, the patent shall be issued without publication, if this is requested. In this case there shall be no registration in the list of patents.

SEC. 24. The first annual fee (section 8, paragraph 1), is to be paid within two months after the publication (section 23). If payment is not made within this time, the notice shall be considered to have been withdrawn.

Objections may be made during the same period to the issuance of a patent. All objections must be made in writing, and the grounds on which they are based must be stated. They can only be based upon the assertion that the article is not patentable according to sections 1 and 2, or that the applicant is not entitled to a patent according to section 3. In the case provided for in section 3, paragraph 2, the injured party alone shall have the right to present objections.

After the expiration of the time allowed, the patent office shall form a decision with regard to the issuance of a patent. The member who issued the summons (section 21) shall not take part in the adoption of the decision.

SEC. 25. At the preliminary examination and in the proceedings before the notice division, the summons and hearing of the parties interested, the examination of witnesses and experts, and the adoption of other measures necessary to throw light upon the matter may at any time be ordered.

SEC. 26. The applicant for a patent may protest against the decision by which his notice is rejected, and the said applicant or the objector may, within one month from the time of receiving it, complain against the decision adopted with regard to the issuance of a patent. When the complaint is presented, 20 marks shall be payable as costs of procedure; if this payment is not made, the complaint shall be considered as not having been presented.

If the complaint is not well founded, or if it is handed in too late, it shall be rejected as inadmissible.

If the complaint is found to be admissible, the subsequent procedure shall be according to section 25. The citation and hearing of the parties interested must take place at the instance of one of them. Such instance may be disregarded only when the citation of the petitioner had already taken place in the proceedings before the notice division.

If a decision is to be adopted concerning the complaint on the basis of circumstances other than those had in view in the decision to which exception is taken, an opportunity shall be given beforehand to the parties interested to make such statements as they may think proper.

The patent office may determine how far an interested party shall, in cases of defeat, be held liable for the costs of procedure in the case of the complaint. It may also order the fee (paragraph 1) to be refunded to the interested party whose complaint is found to be justified.

SEC. 27. When the issue of a patent has been finally decided upon, the patent office shall publish a notice to that effect in the Advertiser of the Empire, and shall then, without delay, issue letters patent to the party entitled thereto.

If the notice is withdrawn after publication or if a patent is refused, this shall likewise be made known. The annual fee which has been paid shall, in such cases, be refunded. When a patent is refused, the effects of the provisional protection shall be considered as not having become operative.

SEC. 28. The institution of proceedings for a declaration of nullity or for the withdrawal of a patent shall take place on application only.

In the case provided for in section 10, No. 3, the injured party alone shall have the right to make such application.

In the case provided for in section 10, No. 1, no application shall be admissible after the expiration of five years, reckoned from the day of the publication of the notice concerning the issuance of the patent. (Section 27, paragraph 1.)

Applications must be made to the patent office in writing, and must contain a statement of the facts on which they are based. When the application is made, a fee of 50 marks shall be payable. The fee shall be refunded when the proceedings are ended without a hearing of the parties interested.

If the maker of the application resides in a foreign country, he must furnish security to the other party, at his request, for the costs of the proceedings. The amount of the security shall be fixed by the patent office. A time shall be fixed when the applicant is ordered to furnish security, within which the security shall be furnished. If the security is not furnished before the expiration of the time fixed, the application shall be considered as having been withdrawn.

SEC. 29. After it shall have been decided to institute proceedings, the patent office shall notify the patentee of the application, and shall summon him to make a statement within one month.

If the patentee shall make no statement within the time fixed, a decision in accordance with the application may be rendered at once, without a summons or hearing of the parties interested, and, when the decision is rendered, all the allegations made by the applicant may be considered as having been proved.

SEC. 30.—If the patentee presents his plea in due time, or if, in the case contemplated in section 29, paragraph 2, decision is not immediately rendered in accordance with the application, the patent office shall adopt the necessary measures for the elucidation of the case, and, if an answer has been made, shall communicate the same to the applicant. It may order an examination of witnesses and experts. In such case the rules of the ordinance concerning civil procedure shall be enforced. The proceedings in evidence shall be taken down by a sworn reporter.

The decision shall be rendered after the interested parties have been summoned and heard.

If application is made on the ground of section 11, No. 2, for the withdrawal of the patent, a commination of withdrawal, together with a statement of reasons and the appointment of a suitable time, must precede the decision rendered in accordance with this application.

SEC. 31. In rendering a decision the patent office must decide in what proportions the costs of the procedure must be borne by the parties interested.

SEC. 32. It shall be the duty of the courts to lend legal assistance to the patent office. The punishment of witnesses and experts who have failed to appear, or who have refused to take the required oath, shall be fixed by the courts, which shall also produce witnesses who have failed to appear.

SEC. 33. An appeal may be taken from a decision of the patent office (sections 29 and 30). Appeals shall be made to the supreme court of the Empire. Notice thereof is to be given, and the grounds on which they are based are to be stated within six weeks from the day when the decision shall have been communicated to the party interested.

The amount of the costs of procedure shall be determined by the decision of the court in pursuance of section 31.

The proceedings before the court shall be held in accordance with a body of regulations, which shall be prepared by the court and sanctioned by an imperial ordinance issued with the consent of the Bundesrath.

SEC. 34.—As regards the language to be used in business with the patent office, the provisions shall be enforced which are found in the law concerning the organization of the judiciary relative to the language to be used before the courts. Communications not written in the German language shall receive no attention.

CHAPTER 4.—*Fines and indemnities.*

SEC. 35. Any person who shall, through gross carelessness, make use of an invention in violation of sections 4 and 5 shall be bound to indemnify the injured party.

If an invention relative to the method of preparing any new material is concerned, any material of the same nature shall be considered as having been prepared by the patented process until evidence is furnished to the contrary.

SEC. 36. Any person who shall knowingly make use of an invention, in violation of sections 4 and 5, shall be punished by a fine not exceeding 5,000 marks or by imprisonment for a term not exceeding one year.

Prosecutions shall be instituted on application only. Applications for prosecution may be withdrawn.

If a punitory sentence is pronounced the injured party shall, at the same time; be authorized to publish the sentence at the expense of the party convicted. The manner and time of publication shall be provided for in the sentence.

SEC. 37. Instead of any indemnity based on the ground of this law, a fine not exceeding 10,000 marks may, at the request of the injured party, be ordered to be paid to him in addition to the penalty. The parties sentenced to pay this fine shall be responsible therefor as joint debtors.

When the payment of a fine has been ordered, this excludes the presentation of any further claim for damages.

SEC. 38. In civil suits, in which a claim has been presented by complaint or plea on the ground of the provisions of this law, the proceedings shall be held and the final sentence shall be rendered, according to section 8 of the law introductory to the law concerning the organization of the judiciary, by the supreme court of the Empire.

SEC. 39. Complaints on account of the violation of patent rights shall become outlawed, as regards any act constituting such violation, in three years.

SEC. 40. The following persons shall be punished by a fine not exceeding 1,000 marks:

1. Any person who shall mark any article, or the package containing it, with a designation calculated to lead to the erroneous belief that such article is protected by a patent in pursuance of this law.

2. Any person who, in public advertisements, on signs, cards, or in similar announcements, shall make use of a designation calculated to lead to the erroneous belief that the article therein mentioned is protected by a patent in pursuance of this law.

ARTICLE 2.

The provision contained in section 28, paragraph 3, of article 1 shall be applicable to patents now in force, with the proviso that the application shall be admissible until the expiration of at least three years from the day when this law shall take effect.

ARTICLE 3.

This law shall take effect on the 1st day of October, 1891.

In testimony whereof, we have hereunto set our hand and caused our imperial seal to be affixed.

Done at Kiel, April 7, 1891.

[L. S.] WILLIAM.

VON BOETTICHER.

[Inclosure 5.—Translation.]

An act for the protection of utility samples, dated June 1, 1891.

We, William, by the grace of God German Emperor, King of Prussia, etc., hereby order, in the name of the Empire, with the consent of the Bundesrath and Reichstag, as follows:

SECTION 1. Models of implements for labor or articles for use, or of parts of the same, are to be protected, according to this law, as utility samples, so far as they are to serve the purpose of work or use through a new conformation, arrangement, or contrivance.

Models shall not be considered as new if they have, at the time of the notice given in pursuance of this law, been described in public prints or have been publicly used in the territory of the Empire.

SEC. 2. Notice is to be given at the patent office, in writing, of models for which protection as utility samples is desired.

The notice must state under what designation the model is to be registered and what new form or arrangement is to serve the purpose of work or use.

Every notice is to be accompanied by an imitation or drawing of the model.

The patent office shall make provisions as to the other requirements concerning the notice.

A fee of 15 marks is to be paid for each model of which notice is given at the time of the giving of such notice.

SEC. 3. If the notice is given in accordance with the requirements of section 2, the patent office shall order the registration in the list of utility samples.

The registration must mention the name and residence of the party giving the notice, and likewise the time at which the notice is given.

Registrations are to be published at determinate times in the advertiser of the Empire.

Changes relating to the person of the registered party shall, at his request, be mentioned in the list.

Any person shall be at liberty to inspect the list, as well as the notices on the basis of which the registrations have taken place.

SEC. 4. The effect of the registration of a utility sample according to section 1 shall be that the party registered shall have the exclusive right to manufacture imitations of the sample and to offer for sale or to use implements and articles produced by imitation.

The right based upon a subsequent notice, if it is an infringement of the right of a party registered in pursuance of a previous notice, shall not be exercised without the permission of such party.

If the essential contents of the registration have been taken from the description, drawings, models, implements, or contrivances of another person without his permission, the protection of the law shall not be accorded to the injured party.

SEC. 5. If a right based upon section 4 infringes upon a patent, notice of which has been given before the notice of the model, the registered party shall not exercise the right without the permission of the owner of the patent.

In like manner, if a right based upon section 4 is infringed by a patent subsequently announced, the right derived from this patent shall not be exercised without the permission of the party registered.

SEC. 6. If the requirements of section 1 are not complied with, any person shall have the right to demand, against the party registered, the forfeiture of his utility model.

In the case provided for in section 4, paragraph 3, the injured party shall be entitled to claim forfeiture.

SEC. 7. The right based upon registration is transferable to the heirs of the party registered, and may, by contract or arrangement, in case of death, be transferred to others, either with or without limitations.

SEC. 8. The time for which protection shall be granted is 3 years; this time shall begin to run on the day following that on which the notice shall have been given. If an additional fee of 60 marks is paid before the expiration of the time, the period for which protection is granted shall be extended 3 years. Mention of the extension shall be made in the list.

If the party registered renounces the protection before the expiration of the period, the registration shall be canceled.

Cancellations of registrations taking place not in consequence of the expiration of the period are to be published at determinate times in the advertiser of the Empire.

SEC. 9. Any person using a utility sample knowingly or through gross carelessness, in violation of sections 4 and 5, shall be bound to indemnify the party injured.

Complaints on account of the right of protection shall become outlawed, as regards any act on which they are based, in three years.

SEC. 10. Any person who shall knowingly make use of a utility sample, in violation of the provisions of sections 4 and 5, shall pay a fine not exceeding 5,000 marks or be imprisoned for a term not exceeding one year.

Prosecutions shall take place only in case application to that effect is made. Such application may be withdrawn.

If the party prosecuted is condemned to receive punishment, the party aggrieved shall, at the same time, be authorized to publish the sentence at the expense of the party convicted. The manner of publication and the period during which it may continue shall be provided for in the sentence.

SEC. 11. Instead of any indemnity provided for in this act, a fine to the amount of 10,000 marks may, at the request of the injured party, be adjudged to him in addition to the penalty. The guilty parties shall be jointly responsible for the payment of this penalty.

An adjudged penalty excludes the validity of any further claim for indemnity.

SEC. 12. In civil suits, in which a claim is entered, on the basis of the provisions of this act, by complaint or plea, the proceedings shall be held and the decision in final instance shall be rendered by the supreme court of the Empire, in pursuance of section 8 of the law introductory to the law for the organization of the judiciary.

SEC. 13. A person not having a residence or an establishment in the territory of the Empire can claim the protection of this law only in case German utility samples are entitled to protection, according to an announcement contained in the journal publishing the laws, in the state in which he resides or his establishment is.

Any person giving notice on the basis of this provision must, at the same time, appoint a representative residing in the Empire. The name and residence of the representative shall be mentioned in the list. The registered representative shall be authorized to represent the party entitled to protection in suits at law concerning the utility sample, and also to institute prosecutions. The place where the representative resides, and in default thereof the place where the patent office is established, shall, in accordance with section 24 of the ordinance with regard to civil suits, be considered as the place where the article of property is.

SEC. 14. The provisions with regard to the procedure of the patent office which are necessary for the execution of this act shall be adopted by an imperial ordinance, with the consent of the Bundesrath.

SEC. 15. This act shall take effect on the 1st day of October, 1891.

In testimony whereof, we have hereunto set our hand and caused our imperial seal to be affixed.

Done on board of my advice-boat *Greif*, this 1st day of June, 1891.

[L. S.] WILLIAM.

VON BOETTICHER.

Mr. Wharton to Mr. von Holleben.

DEPARTMENT OF STATE,
Washington, March 10, 1892.

SIR: Referring to Mr. von Mumm's note of November 3, 1891, submitting a proposed arrangement between the United States and Germany for the reciprocal protection of patents and trade-marks, I have now the honor to inclose for your information a copy of a report from F. A. Seely, Chief Examiner of the United States Patent Office, which has been forwarded to the Department with a letter from the Acting Secretary of the Interior, of the 2d instant, under his approval. It will be observed that the Acting Secretary agrees to the proposed treaty with the exception of article 3, and explains why that can not be accepted by this Government in its present form. In lieu of it he offers a substitute. A proposition for an additional article is also made with explanations as to the necessity for it.

For your further information I inclose a copy of the treaty* as proposed and will thank you for any information that you may be able to

* See page 200. The treaties differ only in phraseology and in the changes to article 3 recommended in the report of Mr. Seely.

impart as to its acceptance in its present form by the Gov
Germany.

Upon receipt of a favorable response from you I shall lose
having the treaty engrossed for signature.

Accept, sir, etc.,

WILLIAM F. WHAR
Acting

Memorandum upon the draft of a proposed arrangement between Germany a States concerning patents, designs, and trade-marks.

I have given careful attention to the proposed arrangement the draft
been submitted to the Secretary of State by the Chargé d'Affaires of
submit the following remarks concerning it.

I can see no reason why all the articles except the third should not b
our Government, nor why they should not be immediately in force in
after ratification, without the need of further legislation. Their adopt
great advantage to the people of the United States.

Article 3, however, can not be accepted in the present form. The En
tion of it is faulty in that the usual technical terms of patent law are
The most important changes to be made in it, to make it express what
intended to cover, are these two. For "must precede" in paragraph (
have precedence; and for "recency" in paragraph (*b*) read *novelty.* T
"notice is given" and all reference to "notice" in this article mean ex
meant in this country by the *filing of an application*, as is shown by sec
German patent law.

Article 3 therefore provides when protection shall have been sought
tion, design, or trade-mark in territory of one contracting state the
owner of the trade-mark may within a certain period file an applicatio
contracting state, and the latter application (*a*) shall have precedenc
plications made in the latter country, subsequent to the date of the fir
in the country of origin, and (*b*) the novelty of the matter of the appl
to be vitiated by anything that may occur in the meanwhile.

The necessity of the first of these stipulations arises from section 3 o
law of April 7, 1891, according to which the party who first applies for p
tled thereto. This stipulation is intended to put the American inve
made application for a patent at home, on the same footing as if he ha
day filed his application in Germany; and it avoids the difficulty ex
Americans under the convention of 1883, in that it makes the "perio
commence from the grant of the patent instead of from the filing of th
This is just what the United States contended for in Madrid, in 1890.

But it happens that the United States can confer no corresponding
the German inventor, since our law contains no such provision as tha
of the German law. We do not grant the patent to the first who ap
case of conflicting applications for patent, determine who is the prior
special proceeding called an "interference." Hence the necessity for s
ion does not exist here, and only a minor advantage results from an e
the application.

A similar stipulation in article 4 of the convention of Paris has been
some trouble in this country, resulting in an opinion by the Swiss Ge
its capacity of surveillant of the International Union, that the actual
was broader than the convention, and that the implied obligation of
each state should grant a patent to the applicant who filed his app
within six months from his prior application in his own country wa
on the United States. And considering the peculiar laws of Sweden
land, this language is used: "No objection has ever been raised on acc
laws, and it is confidently believed that none will be raised on accou
the United States." (Mr. Claparède to Mr. Blaine, April 3, 1891.)

If the German Government will be satisfied with the acceptance of
the United States subject to the same reservation as exists (by reason o
of the Swiss Government) regarding article 4 of the Convention of Pa
very well enter into this arrangement; but it is to be apprehended th
construed as committing this Government to stipulations it could not
additional legislation, and of a kind at variance with the spirit of ou
Conventions subject to reservations are better avoided.

The need of the other stipulation (*b*) is based upon section 2 of the German law, according to which the novelty of the invention is vitiated in Germany if before the filing of the application it has been described in the Empire so that others may use it. But under certain conditions an exception is made of official publications of patents granted in other countries.

Hitherto the American has been estopped from patenting his invention in Germany if he had previously secured his patent at home, because the publication, simultaneous with the grant in this country, destroyed the novelty of the invention thereafter. The proposed stipulation removes this barrier and is exactly what we require. We not only do not permit novelty to be vitiated by six months publicity, but admit of two years publicity before filing the application for patent. And in the case of a foreign patentee, if the invention has not gone into public use in this country, the time is extended to the whole life of his patent.

The closing paragraph of article 3 makes the limit of delay six months, which is more liberal than the statute, and specifically provides that it shall run from the grant of the patent. But while in respect to inventions it is to run from the time when the first patent was granted, the draft provides that for designs and trade-marks it shall run from the time of filing the application. The reason for making this distinction is to be found in the explanatory remarks that are appended to the draft. The author of these remarks is in error in saying that America does not recognize "a previous material examination" in respect to designs. On the contrary design patents are only granted after the same kind of examination, search into novelty, inquiry into priority of invention in contested cases, and all the delay these involve, that obtain in the case of mechanical inventions. The same kind of procedure obtains respecting trade-marks; and the reason for fixing the limit of delay to commence from the date of the grant is no stronger in one case than in the other.

I subjoin a draft which I would prefer to substitute for article 3. It is in harmony with our law, and if it varies from existing German law, does so only as proposed by the original draft in extending the period of three months conceded in the statute to six months.

It is as follows:

"Any person who shall have received a patent for mechanical invention or design or shall have registered a trade-mark in one of the contracting States, shall enjoy in the territory of the other the right to protection for the same matter, provided he shall deposit his application for such protection within six months from the date on which the protection was granted in his own country. Any printed description or other publicity given to such matter during this period shall not destroy its novelty."

It may be remarked that the term "novelty" is applied to trade-marks in a little different sense from that in which it is applied to mechanical inventions or designs. For these latter the United States law, as does the German, prescribes absolute novelty as the condition of a valid patent. No absolute novelty is demanded in a trade-mark in either country, but only that the mark shall not have been previously used by others upon the particular merchandise upon which protection in its use is sought. In any convention which treats of patents and trade-marks in the same connection this distinction should always be kept in mind.

The German law for trade-marks requires, section 20 (2), that an application for protection by a foreigner must be accompanied by proof that in his own country the owner of the mark has fulfilled the conditions on which he may there claim protection for it. The only proof to be given of this fact is a copy of the certificate of registration, which in many cases can not be given in the United States within three months of the application. The law therefore does not contemplate application for registration in Germany until after registration in the applicant's country, and the modification of article 3 herein suggested would seem to be more strictly in touch with the spirit of the law than the original draft.

Article 5 contains a provision much like that of article 6 of the convention of 1883, which appears not to be practically enforced in the countries of the International Union. Careful consideration of the trade-mark laws of both Germany and the United States has led to the conviction that, as between these nations, this provision will present no serious difficulties, while it offers some decided advantages to American producers.

I am of opinion that, with the change in article 3 herein suggested, the proposed convention will be of material benefit to Americans, and that it should be concluded as early as possible.

The consideration of the proposed convention gives to the United States an opportunity to submit to the Imperial Government another proposition closely related to the subjects of patents and trade-marks. It has several times been brought to the notice of this Government that the oaths prescribed by Congress in verification of applications for patent and similar documents are not in consonance with the Ger-

man law, and that difficulties arise on that account. The legal oath for this purpose is taken without much trouble or expense wherever a United States consular or diplomatic officer can be found, while the forms required by German law involve more or less delay and expense. But German courts of law do not recognize our statutory oaths as valid and binding, and in consequence, while our law aims to minimize the expense and trouble of preparing applications for patent, a loophole exists by which its purpose, that merely of establishing the good faith of the applicant, may be evaded, since no indictment for perjury would lie in Germany in case of false statements under such oaths.

If the Imperial Government would consent to a provision whereby oaths taken in accordance with the law of the United States in such cases should be held sufficient in Germany to subject the false swearer to the penalty of perjury, this difficulty would be avoided.

I therefore suggest to submit to the German Government a proposition which I have embodied in the form of an additional article as follows:

"ARTICLE 8. Oaths to verify applications for patent or for the registration of trade-marks, or for use in connection with other proceedings before any executive department of the Government of either contracting state, duly administered in accordance with the law of one country by a minister, chargé d'affaires, or a consular or commercial agent holding a commission therefrom, within the territory of the other country, shall be deemed sufficient and binding oaths in the courts of the latter country, and any false statements or declarations made in papers or documents so substantiated shall subject the party making them to the penalties of perjury under the laws of the country within which they are administered."

It is scarcely likely that any occasion would ever arise for enforcing this provision, the mere fact of such an agreement being enough to accomplish all that is required. It would simply remove an opportunity that now exists, and possibly is sometimes improved, to evade the true purpose of our law.

Mr. Ketteler to Mr. Foster.

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, September 15, 1892. (Received September 19.)

Mr. SECRETARY OF STATE: The United States minister in Berlin, in his note of May 12, 1892, called the attention of the foreign office to that provision of section 2, paragraph 2, of the new German patent law of April 7, 1891, in accordance with which, within three months after the making known of an invention by means of an official description of the patent published abroad, an application for a patent for that invention in Germany is allowed, provided that the application is made by the same authorized person who has applied for it abroad, and provided that reciprocity is guaranteed in that country in which the publication of the invention by means of an official description of the patent has already taken place, which (guarantee) must be attested by the proper announcements in the Reichsgesetzblatt (the Imperial law journal). Mr. Phelps, alluding to the fact that such an announcement had not as yet been made with regard to the United States, suggested the immediate publication of the same in order to secure to his countrymen the advantages of the said provision of the German patent law.

The Secretary of State of the foreign office (for foreign affairs) stated, in reply to the above-mentioned note, that (the subject involved in) the wish which had been expressed would be decided by the negotiations pending between the Empire and the United States for the settlement of the (mutual) protection of patents, and that it would, therefore, be better to refrain from a separate discussion of the question raised by Mr. Phelps.

Mr. Phelps, however, has returned to the subject, in a note of June 30, 1892, and stating that the United States grants German applicants for patents the same, or, rather, still greater privilege than that conveyed by the aforesaid section 2, paragraph 2, of the German patent law, requests on the ground of "fair reciprocity" the immediate issue of a proclamation (announcement) in the Reichsanzeiger (Imperial Advertiser) by which the reciprocity granted by the United States be acknowledged, and the benefit of the German law be granted to Americans in Germany.

In reply to this note, I am now instructed by the Imperial Government, Mr. Secretary of State, to make the following statement:

In the United States the law provides that application may be made for a patent for an invention within two years after it has become public, provided that the applicant makes oath that he is the inventor. This provision conflicts in two respects with the purpose of the German law. It gives the person who has first applied in Germany no advantage by virtue of that application; any other person can, within the said two years, with the same right as the German applicant, make application in America, provided that he makes oath that he is the inventor. Any other person can thus anticipate the German applicant, and render useless the priority which the latter had acquired in Germany.

In the second place, that provision requires the German applicant, even when he adduces proof that his application has been entertained in Germany by the Patent Office, to make oath, all the same, that he is the inventor. The German applicant for a patent is, however, not always able to take that oath, since in Germany the patent is not issued (exclusively) to the inventor, but to any one who has legally come *into possession of the invention*. The provision of the American law does not, therefore, benefit the applicants who are protected in Germany, to the extent required by the German Empire.

If, notwithstanding, citizens of the United States complain bitterly, as Mr. Phelps asserts, that they are worse treated in Germany than Germans in the United States, it may be said in reply that in the investigation of patents (in the United States), the important right of the "caveat" is reserved to citizens of the United States, and is not granted to German subjects. This involves a difficulty in the protection of patents to the disadvantage of the Germans such as does not exist in Germany to the disadvantage of the Americans. The German law gives Germans no advantage over American citizens.

The Imperial Government cherishes the earnest wish to arrive at an agreement on this subject which shall be satisfactory to the United States, but, nevertheless, thinks it desirable—and the above remarks will demonstrate the correctness of the opinion—that this should be included in an agreement which shall also regulate the other relations in the province of the patent system.

Besides, the examination of the remarks which have been made on the part of the United States Government, in the pending negotiations for the protection of patents, samples, and trade marks, on the propositions made by the Imperial Government, will probably soon be ended, and I shall have the honor, at the proper time, to communicate to you without delay the further proposition of the Imperial Government.

Accept, etc.,

KETTELER.

Baron von Ketteler to Mr. Foster.

CHICAGO, *October 21, 1892.*

The chargé d'affaires for the German Empire is under orders of His Majesty, the Emperor of Germany, King of Prussia, to express to the President of the United States on this 21st of October, devoted to the universal celebration of the four hundredth anniversary of the discovery of America, the Imperial Majesty's most sincere congratulations and wishes for the welfare of the country.

Baron von Ketteler begs to request the honorable the Secretary of State kindly to transmit this Imperial message to President Harrison at Washington.

Mr. Foster to Baron von Ketteler.

THE LEXINGTON,
Chicago, October 21, 1892.

BARON: I have the honor to acknowledge the receipt of your verbal memorandum of yesterday's date, by which, under orders of His Majesty, the Emperor of Germany, King of Prussia, you express to the President, on this 21st day of October, devoted to the universal celebration of the four hundredth anniversary of the discovery of America, His Imperial Majesty's most sincere congratulations and wishes for the welfare of this country.

It afforded me much pleasure to convey to the President the Imperial message thus communicated, and I am instructed by him to request that you will kindly transmit to His Imperial and Royal Majesty the feelings of pleasure with which he receives this manifestation of the good will of His Majesty, and the gratification with which he expresses, in the name of the Government and people of the United States, their cordial friendship for the German Empire and their wishes for the prosperity and happiness of the peoples over whom His Majesty has been called to rule.

Accept, Baron, etc.,

JOHN W. FOSTER.

GREAT BRITAIN.

Mr. Lincoln to Mr. Blaine.

No. 475.] LEGATION OF THE UNITED STATES,
London, June 17, 1891. (Received June 25.)

SIR: Referring to your circular instruction of May 8th inclosing copies of our new copyright acts for communication to Her Majesty's Government, I have the honor to inclose herewith for your information copies of my note transmitting the documents in question to the foreign office, and of the reply thereto, which I have just received from the Marquis of Salisbury.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 1 in 475.]

Mr. Lincoln to Lord Salisbury.

LEGATION OF THE UNITED STATES,
London, May 27, 1891.

My LORD: I have the honor, in accordance with instructions from my Government, to transmit herewith three copies of an act of Congress approved March 31st, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States relating to copyrights."

Your lordship will observe that the benefits of the Statute in question are only extended to citizens of foreign countries after a proclamation of the President of the United States shall have been issued under conditions specified in section 13 of the act.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 2 in 475.]

Lord Salisbury to Mr. Lincoln.

FOREIGN OFFICE, *June 16, 1891.*

SIR: In reply to your note of the 27th ultimo, in which you inform me that the benefit of the american copyright Act, approved March 31st, 1891, are only extended to citizens of foreign countries by proclamation of the President issued under the conditions specified in section 13 of the act, I have now the honor to state to you as follows:

Her Majesty's Government are advised that under existing English law an alien by first publication in any part of Her Majesty's dominions can obtain the benefit of English copyright, and that contemporaneous publication in a foreign country does not prevent the author from obtaining British copyright.

That residence in some part of Her Majesty's dominions is not a necessary condition to an alien obtaining copyright under the English copyright law, and that Engish law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to British subjects.

I have, etc.,

SALISBURY.

Mr. Lincoln to Mr. Blaine.

No. 477.] LEGATION OF THE UNITED STATES,
London, June 20, 1891. [Received June 30.]

SIR: Referring to my dispatch, No. 475, of 17th instant, transmitting a copy of the note of the Marquis of Salisbury on the subject of international copyright, I now have to state that I refrained from cabling the essential part of the note, although I was aware of its pressing importance, for the reason that it seemed advisable for me to call Lord Salisbury's attention informally to the possibility of some question being raised by the employment of the words "British" and "English" in a way which might be deemed antithetical.

I was able to mention the matter to his lordship on the evening of the same day, and he said he would at once have it examined. In consequence I have to-day received the amended note, of which a copy is inclosed, bearing the same date as the former one, which comes to me with a private note calling my attention to the fact that "the last paragraph has been altered so as to make the assurance comprise the whole of the British Possessions," and asking me to substitute it for and to return the former note.

There is of course no territorial adjective for "the United Kingdom," but personally I have no doubt that the legal official who is responsible for the language of the note used the adjective "English" in that enlarged sense, though I rather expected, after my conversation with Lord Salisbury, that an amended note would contain merely an additional line to the effect that the word "English" wherever used, was to be taken as referring to "the United Kingdom."

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure in 477.]

Lord Salisbury to Mr. Lincoln.

FOREIGN OFFICE, *June 16, 1891.*

SIR: In reply to your note of the 27th ult., in which you inform me that the benefits of the American copyright act, approved March 31, 1891, are only extended to citizens of foreign countries by proclamation of the President under the conditions specified in section 13 of the act, I have now the honor to state to you as follows:

Her Majesty's government are advised that under existing English law an alien by first publication in any part of her Majesty's dominion can obtain the benefit of English copyright, and that contemporaneous publication in a foreign country does not prevent the author from obtaining English copyright.

That residence in some part of her Majesty's dominions is not a necessary condition to an alien obtaining copyright under the English copyright law, and that the law of copyright in force in all British Possessions permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to British subjects.

I have, etc.,

SALISBURY.

Mr. Lincoln to Mr. Blaine.

No. 488.] LEGATION OF THE UNITED STATES,
London, July 3, 1891. (Received July 14.)

SIR: I have the honor to acknowledge receipt of the Department's cablegram of the 1st instant, as follows: "Copyright proclamation today includes British subjects," and to inclose the copy of a note which I thereupon addressed to the Marquis of Salisbury on the subject.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure 1 in No. 488.]

Mr. Lincoln to Lord Salisbury.

LEGATION OF THE UNITED STATES,
London, July 2, 1891.

MY LORD: With reference to your lordship's note of the 16th ultimo, informing me of the status of the law of copyright in force in all the British Possessions, in respect to the acquisition of its benefits by citizens of the United States of America, I have the honor to acquaint you that I lost no time in communicating the same to my Government, and I have now the pleasure of notifying to your lordship that on yesterday, the 1st instant, it was determined by the President of the United States, by proclamation, that the first condition specified in section 13 of the act of Congress approved March 3, 1891, in relation to copyright, is now fulfilled in respect to British subjects.

I will have the honor of transmitting to your lordship a copy of the above-mentioned proclamation as soon as it arrives by post.

I have, etc.,

ROBERT T. LINCOLN.

Mr. Blaine to Mr. Lincoln.

No. 656.] DEPARTMENT OF STATE,
Washington, December 19, 1891.

SIR: I inclose for your information, having reference to your dispatches numbered 475 and 477, of June 17 and 20 last, respectively, in relation to copyright, a copy of a note which I have addressed to the British minister at this capital on the 19th instant in the matter of the refusal of the Canadian Government to grant copyright protection in that country to citizens of the United States. The fourth section of the Canadian copyright act provides that copyright may be obtained by "any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an international copyright treaty with the United Kingdom."

The question now, however, would seem to be not whether the Dominion Government correctly applies its own law of copyright, but rather whether the assurance given in Lord Salisbury's amended note of June 16, 1891, and upon which the President's proclamation rests in granting reciprocal copyright privilege to all subjects of Great Britain, correctly represents the treatment accorded to American citizens by "the law of copyright in force in all British Possessions."

As the President's proclamation now stands citizens of the Dominion of Canada enjoy full privilege of copyright in the United States equally with all British subjects whatever, and on a footing of perfect equality with citizens of the United States. If the reciprocal arrangement

which was thus entered into rests on a grave misapprehension in an important particular, it is very desirable that the true facts of the situation should be promptly and fully understood, to enable the President to execute the act of March 3, 1891.

If a prompt disposition of the matter is likely to be thereby aided, you are authorized to bring the subject directly to the attention of Lord Salisbury, laying stress upon the urgency of the inquiry that has been addressed to Sir Julian Pauncefote.

I also inclose a letter from Messrs. Munn & Co., of the 11th instant, which served as a basis to my note to the British Minister.

I am, &c.,

JAMES G. BLAINE.

[Inclosure in No. 656.]

Munn & Co., to the President.

NEW YORK, *December 11, 1891.*

SIR: We learn from your official message to the Senate and House of Representatives, dated 9th instant, that international copyright has been secured with Great Britain and the British Possessions, the laws of those countries permitting to our citizens the benefit of copyright on substantially the same basis as to their own citizens and subjects.

We inclose an official letter from the Canadian registrar, dated August 22, 1891, which denies the right of American citizens to obtain copyright protection in Canada, and is to that extent contradictory of the message.

The matter is one of considerable importance to our citizens who at present are unable to obtain any protection in Canada, although registration is allowed to Canadians in this country.

Very respectfully, etc.,

MUNN & CO.

[Inclosure to inclosure in No. 656.]

Mr. Jackson to Messrs. Munn & Co.

OTTAWA, CANADA, *August 22, 1891.*

GENTLEMEN: You ask to be advised whether, under section 4 of "The copyright act," chapter 62, of Revised Statutes of Canada, citizens of the United States can be admitted to the privileges of registration of copyright in Canada on their complying with the conditions of printing and publishing in Canada, in view of the provisions of the United States copyright act of March last, and the proclamation of the President.

In reply I am directed to say that the enactment and proclamation referred to do not constitute an "International copyright treaty," and that therefore citizens of the United States can not register under our act.

I remain, etc.,

J. B. JACKSON,
Registrar.

Mr. Lincoln to Mr. Blaine.

No. 594.] LEGATION OF THE UNITED STATES,
London, January 9, 1892. (Received January 19.)

SIR: Referring to your instruction numbered 656 of the 19th ultimo, in relation to the denial by the Canadian government of the right of citizens of the United States to the benefit of copyright in Canada, I have the honor to acquaint you that yesterday in an interview with the

Marquis of Salisbury I brought the matter to his notice directly. While I think his lordship had already heard something of it, I don't think that it had been presented to him so as to arrest his attention properly. He indicated great interest at once, and without expressing any opinion as to the result said that he would cause the business to be looked into immediately. I did not in any way press for an immediate expression from him as to the solution of the difficulty, as I could hardly expect to learn anything further at the moment than that I already knew that the assurances in his note of June 16, 1891, were the official opinions of the law officers of the Crown, and that they must again be consulted prior to further action.

I did not fail to suggest the urgency of the subject, orally, and again to-day in a note, of which a copy is herewith transmitted, and which I have addressed to his lordship, inclosing at his request a copy of the communication from the registrar in Canada to Messrs. Munn & Co., of New York, dated the 22d of August, 1891.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure in No. 594.]

Mr. Lincoln to Lord Salisbury.

LEGATION OF THE UNITED STATES,
London, January 9, 1892.

MY LORD: With reference to our conversation of yesterday, I have the honor to transmit a copy of a communication, dated August 22, 1891, from the registrar in charge of the copyright and trade-mark branch of the department of agriculture of the Dominion of Canada, addressed to Messrs. Munn & Co., publishers, of New York, by which the latter are given officially to understand that citizens of the United States can not have the benefit of copyright in Canada.

It will be observed, as I indicated to your lordship yesterday, that the communication itself negatives the possibility of the official action being based upon any failure or refusal to comply with the provisions of Canadian law as to printing and publishing in Canada. I venture also to point out that the registrar, while appearing to have before him the proclamation of the President, omits, as though unimportant, consideration of the statute and of the official assurances upon which the proclamation was based, and which are set forth in its preamble.

Inasmuch as under the proclamation, as it now stands, Her Majesty's Canadian subjects enjoy full privilege of copyright in the United States, as do all British subjects, on a footing of perfect equality with citizens of the United States, Mr. Blaine, upon receipt of the information of the attitude of the Canadian Government, denying the existence of a reciprocal right of our citizens in respect to Canadian copyright, addressed a note to Sir Julian Pauncefote, but in view of the importance of the immediate removal of any misapprehension on the subject, he has instructed me to suggest to your lordship directly the urgency of the matter.

I have the honor to inclose, for your lordship's convenience, additional copies of the President's proclamation, above mentioned, and of sundry other papers printed therewith.

I have, etc.,

ROBERT T. LINCOLN.

Mr. Blaine to Mr. Lincoln.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 14, 1892.

Express deep regret and sincere condolences of the President by reason of the lamented death of the Duke of Clarence and Avondale.

BLAINE.

Mr. Lincoln to Mr. Blaine.

No. 595.] LEGATION OF THE UNITED STATES,
London, January 15, 1892. (Received January 25.)

SIR: Referring to my dispatch No. 594 of the 9th instant, inclosing a copy of my note of the same date addressed to the Marquis of Salisbury on the matter of the refusal of the Canadian Government to admit citizens of the United States to the privilege of registration of copy right in Canada, I have the honor to inclose herewith a copy of a communication which I have just received from the foreign office in reply.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure in No. 595.]

Lord Salisbury to Mr. Lincoln.

FOREIGN OFFICE, *January 13, 1892.*

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, in which you call attention to the action of the Canadian Government in refusing to admit citizens of the United States to privilege of registration of copyright in Canada; and I beg leave to inform you in reply that I have requested the secretary of state for the Colonies to obtain, as soon as possible, a report on the matter from the Canadian Government.

I have, etc.,

SALISBURY.

Mr. Blaine to Mr. Lincoln.

No. 677.] DEPARTMENT OF STATE,
Washington, January 22, 1892.

SIR: Your dispatch No. 594 of the 9th instant relative to the denial of copyright in Canada to American citizens has been received. Your treatment of the matter in your communication to Lord Salisbury is fully approved by the Department.

Adding that no reply has as yet been received from Sir Julian Pauncefote,

I am, etc.,

JAMES G. BLAINE.

Mr. Lincoln to Mr. Blaine.

No. 597.] LEGATION OF THE UNITED STATES,
London, January 23, 1892. (Received February 2.)

SIR: I have the honor to inclose herewith the copy of a telegram which I received from you on the 14th instant, instructing me to express the President's deep regret and sincere condolences on the occasion of the death of the late Duke of Clarence and Avondale, and to acquaint you that I lost no time in communicating the same to the Marquis of Salisbury in a note dated the 14th instant.

I have, etc.

ROBERT T. LINCOLN.

Mr. Lincoln to Mr. Blaine.

No. 604.] LEGATION OF THE UNITED STATES,
London, February 2, 1892. (Received February 12.)

SIR: Referring to my dispatch numbered 597 of the 23d ultimo, I have the honor to inclose herewith a note which I have received from the Marquis of Salisbury requesting me, in behalf of the Queen, to return Her Majesty's warmest thanks to the President for his expressions of sympathy on the occasion of the death of the Duke of Clarence and Avondale.

I have, etc.

ROBERT T. LINCOLN.

[Inclosure in No. 604.]

Lord Salisbury to Mr. Lincoln.

FOREIGN OFFICE, *January 30, 1892.*

SIR: I am commanded by the Queen, my sovereign, to request you to return to the President of the United States of America Her Majesty's warmest thanks for the kind expressions of sympathy conveyed through you to Her Majesty, to their Royal Highnesses the Prince and Princess of Wales, and to the royal family, on the occasion of the great sorrow which has fallen upon them, and upon the whole nation, by the death of His Royal Highness the Duke of Clarence and Avondale and Earl of Athlone.

I have, etc.,

SALISBURY.

Mr. Lincoln to Mr. Blaine.

No. 659.] LEGATION OF THE UNITED STATES,
London, April 29, 1892. (Received May 9.)

SIR: I have the honor to acquaint you that on the 26th instant Mr. Sigmund Ehrenbacher made an application at this legation for a passport, of which a copy is inclosed, which was unsigned for the reason that upon the taking down of his statement it was at once submitted to me.

It appears that Mr. Ehrenbacher is the native-born son of a naturalized citizen of the United States, and left the United States as a minor at the age of 20, and has since been continuously abroad, and is permanently residing and engaged in business in London as a hop merchant. His declaration is that he intends to return to the United States within five years, but I was told that when he came to that point in the declaration he first said that he intended to go back when he had made enough money, and that he hoped that would be within ten years. Upon that being suggested as remote, he said that perhaps he could do it in five years, and asked that time to be inserted.

Upon examination of his application, dated May 2, 1889, it was found that he had then stated the time to be "a few months."

I then had a conversation with him myself, and learned that his father (who, as above stated, was a naturalized citizen of the United States) had himself left the United States in 1869; that is, ten years before the son, and has never returned and has no intention of returning there. At some time, the date of which I did not get, the father established a hop business in London, into which he took his son, but

has himself retired and lives somewhere on the continent. The applicant told me that in his business he received hops from correspondents at San Francisco and New York. Our archives show that since his departure from America he has been assiduous in keeping himself furnished with a passport. I inclose a list of them. He said that he has relatives in the United States, but no home there, and that he has no idea of giving up or losing his American citizenship. The personal impression he made upon me was that he has in fact no definite intention of ever returning to the United States, and that he is as firmly settled here in business as anyone.

In view of the premises I felt so much doubt of the propriety of the continued issuance of passports to him that I informed him that I deemed it necessary to take your instructions; and I have therefore the honor of requesting them.

I have, etc.,

ROBERT T. LINCOLN.

No. 754.] *Mr. Blaine to Mr. Lincoln.*

DEPARTMENT OF STATE,
Washington, May 12, 1892.

SIR: Your dispatch No. 659 of the 29th ultimo, relative to the application of Mr. Sigmund Ehrenbacher for a passport, has been received.

This is one of those cases in which the residence abroad is not in the country of paternal allegiance and no possibility of a conflict of jurisdiction is imminent. The applicant has been assiduous in retaining the evidence of a right to protection by renewing his passport every two years during his twelve years' sojourn abroad. While the circumstances of his stay in England may not be inconsistent with a floating intention to return to the United States as soon as circumstances permit, it is lacking in that definiteness which is desirable. Indeed, the personal impression made upon you is that "he has, in fact, no definite intention of ever returning to the United States, and that he is as firmly established in business here [London] as any one."

Should Mr. Ehrenbacher succeed in dispelling this unfavorable impression, or even materially lessening it, there might be no objection to your renewing his passport for two years longer, with distinct notification that its further renewal thereafter will depend on positive establishment of a definite intention to return to the United States as to a permanent home. If you shall decide to issue a passport upon a further hearing of the case, the Department would be pleased to receive a report as to the grounds of your action.

I am, sir, your obedient servant,

JAMES G. BLAINE.

Mr. Blaine to Mr. Lincoln.

No. 761.] DEPARTMENT OF STATE,
Washington, May 20, 1892.

SIR: I inclose for your information a copy of a dispatch from the American consul at Sydney, Australia, communicating a copy of a letter from the copyright register of New South Wales inquiring as to whether the President's proclamation of the 1st of July, 1891, includes "the British Possessions," as well as Great Britain.

As you are aware, this Government holds that the proclamation applies to *all* the British Possessions, as well as Great Britain; and this is the view of the subject taken by the Librarian of Congress, as appears from his letter of the 18th instant, a copy of which is herewith inclosed, which states that his office "has recorded, and continues to record, claims of copyright in this country made by British subjects and complying with the American law *wherever such subjects may reside.*"

Referring to my instruction No. 656, of the 19th of December last, to you, relative to the denial of copyright in Canada to American citizens, and to your reply thereto, No. 594, of the 9th of January last, you are instructed to communicate to Lord Salisbury the information that this Department has received as to the doubts of the register of copyrights of New South Wales as to the proper construction of the President's proclamation of July 1, 1891. You may also inform him of the fact that this Government continues to record claims of copyright in this country made by British subjects wherever such subjects may reside.

As the important American interests concerned make it desirable that an early decision should be reached as to the right of our citizens to copyright in Canada, you will avail yourself of this opportunity to recall that subject to the attention of Lord Salisbury with a view to arriving at a settlement of the question.

I am, sir, your obedient servant,

JAMES G. BLAINE.

[Inclosure 1 in No. 761.]

Mr. Cameron to Mr. Wharton.

No. 423.] CONSULATE OF THE UNITED STATES,
Sydney, March 19, 1892. (Received April 20.)

SIR: I have the honor to inclose herewith a letter with questions received from the registrar of copyrights in this city, and I shall feel obliged if you can furnish me with the information asked for in that communication.

I remain, sir, yours, very respectfully,

ALEXANDER CAMERON,
Vice and Acting Consul.

[Inclosure in inclosure 1 in No. 761.]

Mr. Spruson to Mr. Cameron.

OFFICE OF COPYRIGHT REGISTRY OF NEW SOUTH WALES,
Chancery Square, Sydney, March 19, 1892.

SIR: With reference to the question of international copyright, I do myself the honor to inclose a copy of a proclamation issued by the President of the United States of America, on July 1, 1891, extending to the citizens and subjects of Great Britain and certain other countries therein named, the benefits of the amended act of Congress relating to copyright dated March 3, 1891, and setting out that this has been done because "satisfactory assurances have been given" of reciprocal action having been taken by the countries named.

As I have received this proclamation through a private channel, and have no official knowledge of such arrangements having been made in either England or the United States, I should esteem it a particular favor if you would furnish me with authentic information on the subject, by answering the following questions:

(1) What steps have the British Government actually taken to place American subjects on the same footing as their own subjects in relation to copyright?

(2) Does the new status extend to "Great Britain" only, or to "Great Britain and the British Possessions"? You will perceive the proclamation is not clear on the point.

I have, etc.,

JOS. J. SPRUSON,
Registrar of Copyright.

[Inclosure 2 in No. 761.]

Mr. Spofford to Mr. Adee.

LIBRARY OF CONGRESS,
Washington, May 18, 1892.

SIR: Referring to your letter of 7th instant, covering a copy of inquiries as to copyright registry in the United States by British subjects in Australia, permit me to say:

(1) Under the President's proclamation of July 1, 1891, certifying that in "Great Britain and the British Possessions" satisfactory official assurances have been given that the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to British subjects, this office has recorded and continues to record claims of copyright in this country made by British subjects, and complying with the American law, wherever such subjects may reside.

(2) Notwithstanding the fact that the Government of Canada refuses copyright registry in the Dominion to United States citizens, thus contravening Lord Salisbury's assurance of reciprocity to "all British Possessions," copyrights are still entered for Canadians, pending reclamations understood to have been made to Her Majesty's Government by the Government of the United States.

Very respectfully,

A. R. SPOFFORD,
Librarian of Congress.

Mr. Foster to Mr. Lincoln.

No. 806.] DEPARTMENT OF STATE,
Washington, July 12, 1892.

SIR: I transmit for your information copies of two notes, respectively, addressed to the Department by Mr. Deprez and Mr. Patenôtre, the representative of France here, on November 3 and January 6 last, in regard to the protectorate announced by France over certain territory hitherto recognized as belonging to and administered by Liberia, and copy of an instruction recently sent to Mr. Coolidge directing him to acquaint the French Government with the views of this Government in regard to the menaced encroachment upon Liberian territory.

Her Majesty's Government some months ago made verbal inquiries, through Sir Julian Pauncefote, touching the attitude of the United States in this regard. Sir Julian stated that a similar announcement of the assumption by France of a protectorate over the territory between the San Pedro and Cavally Rivers had been received by Her Majesty's Government, which was indisposed to act upon it without first knowing whether such a protectorate would be recognized by the United States. Sir Julian was told that the position of this Government as the next friend of a republic founded in Africa by American enterprise was well known, and had on former occasions been evidenced by our frank and friendly intervention, not only with France but with Great Britain as well, to avert any diminution of such just rights to African territory as Liberia possessed, and that due representation would be made against the apprehended encroachments of France westward of the long recognized boundary of the San Pedro River.

It is proper therefore to instruct you to acquaint Lord Salisbury with the purport of the present instruction to Mr. Coolidge.

The occasion may also be availed of by you to make discreet inquiry relative to the action proposed to be taken by the Government of Her Majesty, either alone or concurrently with that of France, with respect to the country stretching inland from the coast toward the navigable water courses behind to which territory Liberia lays claim through original

exploration and which under the "Hinterland" doctrine is the normal avenue of Liberian expansion. Advices from Monrovia indicate considerable disquietude in the mind of the Government of the Republic as to the apprehended encroachments in that quarter also even to the extent it is reported of a movement on the part of Great Britain and France to close in behind Liberia and reduce her domain to a narrow strip of territory along the coast. This Government is unwilling to share the fears of the President of Liberia that an understanding to that end may actually exist between Great Britain and France, by which Liberia may be eventually shorn of the rights of territorial expansion flowing from her long occupancy of the coast and her original foundation of the first independent government in Africa.

The information possessed by this Department in regard to any such inland movement of circumscription about Liberia is meager. The Government of Liberia has not so far furnished evidence of the existence of such an understanding.

I am, &c.,

JOHN W. FOSTER.

No. 733.] *Mr. Lincoln to Mr. Foster.*

LEGATION OF THE UNITED STATES,
London, July 27, 1892. (Received August 8.)

SIR: I have the honor to acquaint you that to-day Mr. Theodore Rosenburg, president of the Standard Varnish Works of New York, applied at this legation for a passport, bearing one issued by the Department of State in January, 1890. He was properly introduced, and, upon his statement that he was a native-born citizen of the United States, the taking down of his application was begun upon the appropriate form, and it was at once disclosed that he was born out of the United States, and was the son of a father who was a citizen by naturalization prior to the birth of the son. It therefore became necessary to use the form for a "person claiming citizenship through naturalization of husband or parent," upon which he stated that it was impossible to produce the certificate of naturalization, and from further remarks it was quite clear that he knew nothing of his father's naturalization except by hearsay; and I did not therefore think it a proper case for even the application, much less the slightest straining of the provision, in the last clause of section 120 of the "personal instructions," which authorizes the taking of a Department passport, within two years from its date as prima facie evidence of citizenship. Whatever may be the contents of the application upon which his Department passport was granted, he, according to his own express statement, was not called upon to prove the naturalization of his father by the production of the usual certificate, and this leads me to think it probable that his application to the Department was in some respect inaccurate in his statement of his personal history.

He stated that it was his intention to apply at once to the Department to over-rule my declination to issue a passport to him without proof of the naturalization of his father, and if he does so, it may perhaps be well that it should be known that a person calling himself his clerk said yesterday that Mr. Rosenberg intended to reside permanently abroad. That question was not reached in conferring with him to-day.

I have, etc.

ROBERT T. LINCOLN.

Mr. Lincoln to Mr. Foster.

No. 735.] LEGATION OF THE UNITED STATES,
London, August 5, 1892. (Received August 15, 1892.)

SIR: I have the honor to acknowledge the receipt of your Instruction No. 806, of the 12th ultimo, in reference to the protectorate announced by France over a region including certain territory hitherto recognized as belonging to Liberia and inclosing a copy of an instruction, dated June 4, ultimo, upon the subject, sent to Mr. Coolidge.

I took immediate steps to have an interview with Dr. Blyden, the Liberian minister here; and on the 28th ultimo I had a long and interesting conversation with him.

The result of it in substance is that after I had confidentially acquainted him with the purport of the above-mentioned instruction to Mr. Coolidge he expressed his great gratification upon the friendly action of the United States on behalf his country, and proceeded to give me an account of the present status of the matters mentioned in your instruction. As to the French threatened encroachment upon the territory between the River San Pedro and the river Cavally, he said that the president of Liberia was vigorously maintaining the Liberian actual occupation and that he (Dr. Blyden) greatly hoped that this fact, in connection with the representations of the United States to the French Government, would avert any actual aggression in that particular quarter.

As to the "Hinterland," the situation is peculiar. Dr. Blyden told me that it is under the sway of a powerful native ruler, a Mohammedan called the Almamy Samadu (called Samory by the French), with whom the Liberians are on friendly terms, and with whom they have old treaties, giving them an outlet for settlement. The French, however, claim a protectorate over Samadu's territory by virtue of treaties of 1887 and 1889, which he disputes on the ground that their provisions were misinterpreted to him as giving to the French only certain rights of trade; and the dispute has resulted in an actual war now being carried on.

Dr. Blyden expressed himself as believing that there was no good ground for apprehending any British encroachment upon Liberia, or its "Hinterland," but he called my attention to the British acquiescence in the French claim upon the territory of Samadu. This is seen in the Parliamentary paper, "Africa, No. 7 (1892)," issued in June last, of which I inclose two copies herewith.

I have endeavored, without success, to obtain a map which would elucidate all the points of this paper; the best that I can find is called "The British Possessions in West Africa," by Edward Stanford, published in 1890, a copy of which is also inclosed.

It will be seen in the above-mentioned paper, that in December, 1891, and in January, 1892, Lord Salisbury directed Mr. Edgerton, then in charge of the British embassy at Paris, to explain to M. Ribot that the acknowledgment of the notification of the treaties on the Ivory Coast and of the French protectorate resulting therefrom, which covered the Liberian territory between the Rivers San Pedro and Cavally, was not to be taken as prejudicing the claim of Liberia to the territory between those rivers.

I was not able, after my interview with Dr. Blyden, to secure an interview with Lord Salisbury until yesterday, when I acquainted him orally with the purport of the instructions to Mr. Coolidge, and asked him whether Her Majesty's Government had made any representation

to the French Government on the subject beyond what was shown in the above-mentioned paper, and to which I have referred. He replied that nothing further had been done. I did not, in view of the expected immediate change of the Government, enter upon the subject of any possible future action of Her Majesty's Government in that direction. I did, however, mention the subject of a possible extension of British interests in the country behind Liberia, and he gave me to understand that Her Majesty's Government had no intention of going beyond the limits indicated in the parliamentary paper already referred to. As I have already said, this seems to recognize distinctly as under a French protectorate all the "Hinterland" of Liberia.

Since my interview with Dr. Blyden, I have received from him a communication, dated the 30th ultimo, of which a copy is inclosed herewith. As he did so personally, I venture to call special attention to his suggestion as to the resumption of visits of our naval vessels to Liberia.

I have, etc.,

ROBERT T. LINCOLN.

[Inclosure in No. 735.]

Mr. Blyden to Mr. Lincoln.

LEGATION OF LIBERIA,
London, July 30, 1892.

MY DEAR COLLEAGUE: I sent you yesterday a correct map of Liberia, officially authorized.

The portion of West Africa occupied by the Republic is considered the most important, so far as productiveness and commercial possibilities are concerned, of all West African countries, and is rapidly improving by the industry and energy of the colonists, both in agriculture and commerce. Two or three steamers a week, from Liverpool, Hamburg, and Havre visit the Liberian coast for purposes of trade, besides sailing vessels from the United States, Holland, and Norway. They bring European and American merchandise, and carry away coffee, sugar, palm oil, palm kernels, rubber, ivory, hides, various gums, piassava, and a little gold.

The scramble by European powers for African territory threatens to curtail our already limited domain, especially in our "Hinterland," and prevent the expansion of the Republic eastward, the direction which the immigrations into Liberia from the United States are taking.

If the French succeed in conquering Almamy Samadu, or Samory, and taking his country, they will claim territories over which Samadu has nominal jurisdiction, but which were connected by treaty to Liberia several years ago. This would be a very serious matter, considering the constant immigrations, though now on a small scale, of American negroes into Liberia, seeking room in the land of their fathers, and the prospects of much larger immigration in the not distant future.

It was with considerable satisfaction, therefore, that I read the extracts from the dispatches from your Government which you confidentially submitted to me, showing the stand they had taken as Liberia's next friend.

I think that, in view of the qualified acceptance by the United States Government of the action of the Brussels conference, it might be in the range of its privileges to suggest to the powers such an arrangement as shall allow Liberia, considering its origin and character, the right of expanding interiorward, as far and as fast as accessions of civilized negroes from the Western Hemisphere will permit, and enable the Republic to exercise effective control, in the interest of commerce and civilization and of regular government, over tribes of the same race on that portion of the continent. I do not think that any European power could, in fairness or justice, object to such an understanding, especially if the extension is to be within the spheres of their influence not effectively occupied.

I hope that you will be able to induce your Government to afford Liberia the advantage of the presence on her coast of a United States vessel of war for a fortnight at least twice a year—say in the months of March and October—not to take part in enforcing any of the laws of Liberia, but simply in a complimentary and friendly manner. Some years ago this custom was observed by the United States Govern-

ment, and was a great help in establishing the prestige of the Liberian Governm among the native tribes, and in the eyes of foreign traders, whose constant effor those days it was, through their opposition to the revenue laws, to undermine authority of the Government among the aborigines.

The new President of Liberia, Hon. J. J. Cheeseman, is making every effort liberalize the commercial policy of Liberia and to bring the aborigines more a more within the operation of that policy: and the visible interest of the Uni States Government in the progress of Liberia would do a great deal to strengthe his hands and to deter a few foreign traders in remote districts, who are still di posed to infringe the revenue laws of the Republic. I hope it may be possible for a American man-of-war to visit Monrovia and other ports of Liberia in the month o October next.

Believe me, etc.,

EDWARD W. BLYDEN.

Mr. Foster to Mr. Lincoln.

No. 833.] DEPARTMENT OF STATE,
Washington, August 10, 1892.

SIR: Your No. 733, of July 27, in relation to the application of Theodore Rosenberg for a passport, has been received.

Mr. Rosenberg, having presented himself to obtain from you a passport in lieu of one issued to him February 25, 1890, by this Department, declared himself to be a native-born citizen, but your inquiries having disclosed that he was "the son of a father who was a citizen by naturalization prior to the birth of the son," he was unable to produce the record of his father's naturalization, as required by the appropriate form in such cases. From his want of knowledge on this important subject, and his denial of any obligation to produce the prescribed proof, you were very naturally led to think it probable that his former statement to this Department may have been in some respects inaccurate in its statement of his personal history.

An examination of the records shows that the passport issued to Theodore Rosenburg February 25, 1890, was in renewal of one issued May 13, 1887, and this in turn a renewal of the original passport here issued to him April 2, 1881, No. 310. The application upon which it was granted is found to be regular and sufficient in its statements. Theodore Rosenburg swears that he was born June 21, 1853, at Siezen, Prussia, and claims citizenship through the naturalization of his father, David Rosenburg, whose record of naturalization was exhibited and noted, from which it appears that he was admitted to citizenship by the Chambers County circuit court, of Alabama, September 18, 1858. The son's birth was, therefore, prior to the father's naturalization, not subsequent, as he seemed to have averred to you. It may therefore be necessary, if Mr. Rosenburg should renew his application, for you to secure evidence that he himself resided in the United States at some time during minority. Naturalization of the parent here does not confer citizenship on his minor children born abroad before that event and continuing to reside and attain their majority abroad.

It is probable, however, that you may be spared the necessity of obtaining exact autobiograpical details from Mr. Rosenberg if, as the concluding paragraph of your dispatch indicated, he intends to reside permanently abroad. Should that fact appear, it would of itself warrant you in declining to issue a passport to him.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Lincoln.

No. 840.] DEPARTMENT OF STATE,
Washington, August 28, 1892.

SIR: I have to acknowledge the receipt of your No. 735, of the 5th instant, in relation to the Liberian boundary question, and to say that a copy of the same has been communicated to your colleague at Paris for his information and files.

The extract from Dr. Blyden's note of July 30, in regard to the presence of a vessel of war of the United States on the coast of Liberia during the months of March and October in each year, has been submitted to the Secretary of the Navy in the hope that it may receive his favorable consideration.

I have not inclosed to Mr. Coolidge copy of Parliamentary Paper Africa, No. 7, 1892, and of the map showing the British Possessions of West Africa, which accompanied your dispatch to the Department, and you will at once send these two documents to Mr. Coolidge to complete your dispatch.

I am, sir, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Lincoln.

No. 906.] DEPARTMENT OF STATE,
Washington, October 6, 1892.

SIR: I transmit for your information copies of correspondence that has lately passed between this Department and the Legation of Great Britain in regard to the alleged action of the Canadian Pacific Railway Company in transporting Chinese persons into the United States in violation of existing law.

In my note of August 10, last, to Mr. Herbert, I presented the matter as it was here understood, and referred to the ineffectual negotiations which you were charged to enter into, pursuant to instructions of October 22, 1890, based upon the concurrent resolution of the Senate and House of Representatives, inviting negotiations with Great Britain with a purpose of securing treaty stipulations for the prevention of the entry of Chinese laborers from the Dominion of Canada contrary to our laws.

Mr. Herbert's note of September 29, in reply, disclaims any act on the part of the Canadian Pacific Railway Company violative of our statutes respecting the introduction of Chinese persons, and with reference to my intimation that the action complained of seemed to show an indifference or lack of friendliness on the part of the Canadian Government it was observed that while the Canadian Government was entirely friendly to the United States in such matters it could not charge itself with executing or enforcing our laws.

To this note I made answer on the 3d instant, expressing the Department's gratification at this denial of the Canadian Pacific Railway Company and saying that if the reply of the Government of Canada had communicated, with friendly acquiescence, the sentiments and purposes of the railway authorities—the purport of which had previously been made known to me—my acknowledgment thereof would

have been an agreeable duty. After commenting upon the statements of the Canadian Privy Council, I referred to the friendly and neighborly interests that prompted the treaty proposal of October, 1890, and substantiated my statements touching the indifference with which it had been treated by Canada.

On the 4th instant I received Mr. Herbert's note, dated the 2d, supplementing his previous one of September 29 last, by communicating a copy of an approved minute of the Canadian Privy Council further relating to the alleged action of the Canadian Pacific Railway Company.

I replied to this note on the 4th instant, expressing my pleasure at the character of the communications of the vice-president of that railway company, which fully bore out my understanding of the good disposition of the company and of its desire to respect our laws by taking all necessary precautions to prevent the unlawful introduction of Chinese into the United States.

It is my wish that you communicate copies of these notes to Earl Rosebery and inquire whether the declarations of the Government of Canada, as conveyed in Mr. Herbert's note of September 29, that "the Government of the Dominion does not charge itself with the duty of enforcing measures of restriction adopted by a foreign government with regard to access to its territories by persons of other nationalities," is to be taken as a declination by Her Majesty's Government of the overture of that of the United States for a treaty regulating the border immigration of Chinese persons inhibited by our laws.

I am, etc.,

JOHN W. FOSTER.

Mr. White to Mr. Foster.

No. 801.] LEGATION OF THE UNITED STATES,
London, October 19, 1892.

SIR: Referring to your predecessor's instruction, numbered 754, of May 12 last, I have the honor to acquaint you that Mr. Sigmund Ehrenbacher called at this legation on the 15th instant and renewed his application for a passport.

I informed him that the statements he had previously made here with respect to his return to the United States had failed to convince us of any certain intention on his part to reside and perform the duties of citizenship therein, and that I did not see how under those circumstances a passport could again be granted to him.

He at once replied that, since applying for a passport in April last, he had fully made up his mind to open an office next year in New York, and that he was willing to make an affidavit to that effect, which he did. I inquired whether that implied an intention to reside there permanently, and Mr. Ehrenbacher said that it would undoubtedly involve the necessity on his part of residing there very frequently and for considerable periods of time; but that, as he did not contemplate closing his London office, he would, in all probability, often have to return to London.

After a careful perusal of Mr. Blaine's instruction aforesaid, I decided, in view of the affidavit made by Mr. Ehrenbacher and of the fact that he was born in the United States and that his business is the sale of American hops, to issue a passport to him.

In handing the passport to Mr. Ehrenbacher, I gave him distinctly to understand, however, that its further renewal, at the expiration of the two years for which it is valid, would depend upon the production of evidence satisfactory to this legation of his having at that time established his permanent home in the United States.

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Foster.

No. 815.] LEGATION OF THE UNITED STATES,
London, October 31, 1892.

SIR: Referring to your instruction, numbered 906, of the 6th instant, I have the honor to inclose herewith a copy of a note which I addressed to the Earl of Rosebery on the 20th instant, transmitting the correspondence between yourself and Her Majesty's chargé d'affaires at Washington, relative to the alleged action of the Canadian Pacific Railway Company in transporting Chinese into the United States in violation of our laws, and inquiring whether the declarations of the Government of Canada, as conveyed in Mr. Herbert's note of September 29, that "the Government of the Dominion does not charge itself with the duty of enforcing measures of restriction adopted by a foreign government with regard to access to its territories by persons of other nationalties," are to be taken as a declination by Her Majesty's Government of the overture of that of the United States for a treaty regulating the border immigration of Chinese persons inhibited by the laws of the United States.

I also inclose herewith the copy of a note which I have received from Lord Rosebery in reply.

I have, etc.,

HENRY WHITE.

[Inclosure 1 in No. 815.]

Mr. White to Lord Rosebery.

LEGATION OF THE UNITED STATES,
London, October 20, 1892.

MY LORD: I have the honor to inclose herewith copies of correspondence which has recently taken place between the Secretary of State and Her Majesty's chargé d'affaires at Washington, relative to the alleged action of the Canadian Pacific Railway Company in ransporting Chinese persons into the United States in violation of existing law.

It will be observed that Mr. Foster, in his note of August 10 last, to Mr. Herbert, presented the matter as it was then understood at the Department of State, and referred to the ineffectual negotiations which this legation was charged to enter into, pursuant to instructions from the Secretary of State, in October, 1890, based upon the concurrent resolution of the Senate and House of Representatives of the United States, inviting negotiations with Great Britain with a view to securing treaty stipulations for the prevention of the entry of Chinese laborers from the Dominion of Canada, contrary to our laws.

Mr. Herbert's note of September 29, in reply, disclaims any act on the part of the Canadian Pacific Railway Company violative of our statutes respecting the introduction of Chinese persons, and, with reference to Mr. Foster's intimation that the action complained of seemed to show an indifference or lack of friendliness on the part of the Canadian government, he observes that, while the Canadian government *is entirely* friendly to the United States in such matters, it does not charge *itself with* executing or enforcing our laws.

To this note Mr. Foster replied on the 3d instant, expressing his gratification at the denial of the Canadian Pacific Railway Company and saying that if the reply of the government of Canada had communicated, with friendly acquiescence, the sentiments and purposes of the railway authorities, the purport of which had previously been made known to him, his acknowledgment thereof would have been an agreeable duty. After commenting upon the statements of the Canadian privy council, Mr. Foster refers to the friendly and neighborly interests that prompted the treaty proposal of October, 1890, which I had the honor to lay before Lord Salisbury in an interview with his lordship on the 5th November, 1890, and substantiates his statements touching the indifference with which it had been treated by Canada.

On the 4th instant Mr. Foster received Mr Herbert's note, dated the 2d, supplementing that of September 29 last, by communicating a copy of an approved minute of the Canadian privy council further relating to the alleged action of the Canadian Pacific Railway Company; and he replied thereto on the 4th instant, expressing his pleasure at the character of the communications of the vice-president of that railway company, which fully bears out Mr. Foster's understanding of the favorable disposition of the company and of its desire to respect our laws by taking all necessary precautions to prevent the unlawful introduction of Chinese into the United States.

I have the honor to acquaint your lordship that I am instructed by my Government to communicate the inclosed correspondence to your lordship and to inquire whether the declarations of the government of Canada, as conveyed in Mr. Herbert's note of the 29th ultimo, that "the government of the Dominion does not charge itself with the duty of enforcing measures of restriction adopted by a foreign government with regard to access to its territories by persons of other nationalities," are to be taken as a declination by Her Majesty's Government of the overture of my Government for a treaty regulating the border emigration of Chinese persons inhibited by our laws.

I have, etc.,

HENRY WHITE.

[Inclosure 2 in No. 815.]

Lord Rosebery to Mr. White.

FOREIGN OFFICE, *October 28, 1892.*

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, forwarding copies of correspondence which has recently taken place between the Secretary of State and Her Majesty's chargé d'affaires at Washington, relative to the alleged action of the Canadian Pacific Railway Company in transporting Chinese subjects into the United States in violation of existing laws.

The question raised in your note will receive due consideration, and I shall have the honor of addressing you a further communication on the subject.

I have, etc.,

ROSEBERY.

Mr. Foster to Mr. White.

No. 951.] DEPARTMENT OF STATE,
Washington, November 5, 1892.

SIR: The United States commercial agent at Butaritari, in the Gilbert Islands, reports to this Department that on the 11th of June last Her Majesty's ship *Royalist*, commanded by Capt. E. H. M. Davis, Royal Navy, arrived at that port, and on the same day hoisted the British flag and declared the island to be under Her Majesty's protection. The other islands of the Gilbert group had also thus been previously visited and similarly declared under British protection.

This proceeding was marked by certain acts on the part of Capt. Davis in contrast with the conduct of other agents of foreign governments when declaring under foreign protection islands and territories where the Government of the United States maintained a representa-

tive accredited to the local authority; and in the interest of good feeling it becomes necessary to invite the attention of Her Majesty's Government to such conduct with a view to a friendly understanding.

Citizens of the United States have during the last fifty years established themselves in several of the islands of the Gilbert group. Acquiring property and vested interests therein, they have won the confidence and esteem of the natives by their examplary dealings and by their self-sacrificing labors as missionaries; and, supported by the benevolent contributions of the Christian churches of the United States, they have raised that remote island community to a stage of civilized order alike notable and commendable.

These interests, thus firmly established, called for due recognition and protection on the part of the United States Government, and on the 25th of May, 1888, Adolph Rick was duly commissioned as commercial agent of the United States for the Gilbert Islands, with residence at Butaritari.

Capt. Davis appears to have supposed, contrary to the usage which this Government has observed on other occasions and in other quarters, that the acceptance by Her Majesty of a protectorate over the local rulers of those islands annulled the relations of other governments thereto; and he appears to have treated the United States commercial agency as nonexistent from the 27th of May, 1892, when his proclamation of assumption of British protection over the Gilbert Islands was issued at Apamama, fifteen days before he arrived at Butaritari on the 11th of June. Mr. Rick was not lacking in courtesy to Capt. Davis, and on the next day, June 12, sought an introduction to him through a reputable resident of Butaritari, Mr. J. F. Luttrell, but Capt. Davis took no notice of the introduction although Mr. Rick's name and office were distinctly announced, and turned abruptly away. Owing to this misunderstanding, Mr. Rick and Capt. Davis did not meet until July 6, when the captain informed him orally that he could not recognize him as a consular representative until he should be accredited to Her Majesty the Queen; a statement repeated the next day in writing.

Availing himself of the usual courtesy of forwarding home-bound mails by returning war vessels, Mr. Rick, on Friday, July 8, tendered to Capt. Davis several sealed letters and, in particular, official dispatches to the Department of State, inclosed in the prescribed printed envelope supplied to consular officers for their business correspondence. Capt. Davis demanded that the printed heading, "United States Consulate, Butaritari," should be erased, claiming that its appearance there was "not courteous" on the commercial agent's part. He, however, accepted the letters the next day, without erasure. The correspondence on the subject between Mr. Rick and Capt. Davis is inclosed.

The trivial character of this incident makes it unworthy of notice, save as an indication of the temper in which Capt. Davis appears to have executed the high mission confided to him. It can not for an instant be supposed that Her Majesty's Government could have intended to give a naval commander the function of censorship over the official correspondence of an officer of a friendly power with the government he serves. In regard to this whole proceeding I quite fail to share Capt. Davis's views as to what constitutes discourtesy.

Neither is it readily supposable that Capt. Davis's powers included the abrupt rupture and outlawry of the relations maintained by the United States Government with the Gilbert Islanders through its deputed agent. Had the islands been annexed by Great Britain as con-

quered territory, the sudden breaking off of the representative functions of the agent of a friendly state might perhaps have found excuse as an act of military necessity; but in the present case it wears an unfriendly aspect, which I am confident Her Majesty's Government will hasten to disavow.

In the course of the last few years foreign protectorates have been asserted over territories where this Government had established consular representation, without interruption thereof, until a new appointment required a new act of recognition. Were the British protectorate over the Gilbert Islands deemed to be of a different character, involving the substitutory credence of the United States commercial agent forthwith to Her Britannic Majesty, this Government would have cheerfully considered the point on due intimation being given by Her Majesty's Government through the regular channels. I am unable to accept the action of Capt. Davis as such usual, timely, and friendly notice as is due from one power to another, nor can I suppose Her Majesty's Government desires or expects that it should be so accepted.

An important fact remains and should not be dwarfed by the petty details which, to my great regret, encumber this dispatch.

As I have already said, the germs of civilization were planted in the Gilbert group by the zealous endeavor of American citizens more than half a century ago. The result of this work, carried on by American citizens and money, has been, in fact, to change the naked barbarism of the island natives into enlightened communities and to lay the foundations of the trade and commerce which have given those islands importance in the eyes of Europe to-day. Wrought by the agents of a colonizing power, this development would have naturally led to a paramount claim to protection, control, or annexation, as policy might dictate. This country, however, has slept upon its rights to reap the benefits of the development produced by the efforts of its citizens; but it can not forego its inalienable privilege to protect its citizens in the vested rights they have built up by half a century of sacrifice and Christian endeavor.

I feel certain that no country will more readily acknowledge our rights in this regard than England, which has so largely shared with the United States in the work of carrying progress and civilization to the islands of the Pacific.

You will take an early occasion to make these views known to the Earl of Rosebery. You will say to him that this Government believes that it has a right to expect that the rights and interests of the American citizens established in the Gilbert Islands will be as fully respected and confirmed under Her Majesty's protectorate as they could have been had the United States accepted the office of protection not long since solicited by the rulers of those Islands. You will point out to his lordship the expediency and, indeed, in view of the strange conduct of Capt. Davis, the necessity of continuing the consular representation of the United States in that quarter under such superior sanction as Her Majesty's Government may deem fitting by reason of the function of protection which it has assumed.

It is to be noted that the representation of the United States in the Gilbert Islands takes the form of a commercial agency, an office already established at many points in Her Majesty's dominions.

I am, etc.,

JOHN W. FOSTER.

[Inclosure 1 in No. 951.]

Mr. Rick to Capt. Davis.

BUTARITARI, *July 8, 1892.*

DEAR SIR: This morning I respectfully asked you to take certain United States official mail and private mail, which I then tendered you. You declined taking it upon certain grounds. I would like to have those grounds in writing. Will you kindly, by the messenger bringing this or otherwise, state in writing your objections and greatly oblige,

Most respectfully, yours, etc.,

A. RICK.

[Inclosure 2 in No. 951.]

Capt. Davis to Mr. Rick.

H. M. S. ROYALIST, *July 8, 1892.*

DEAR SIR: After informing you that your position as United States commercial agent could not be recognized by me—Her Britannic Majesty having assumed a protectorate over the Gilbert Islands—you sent me, for conveyance, letters marked United States Consulate at Butaritari, Gilbert Islands.

This I hold is not courteous on your part and I informed you so. At your request I now place the same in writing.

I requested you to erase the words "United States Consulate, Butaritari, Gilbert Islands," as it has ceased to exist. This you have not done and you again send the letters.

I shall take them with pleasure, as I previously informed you., I regret you were unable to make the alteration suggested by me. I have no course open now but to report what I consider want of courtesy on your part to my Government.

I am, etc.,

ED. H. M. DAVIS, *Captain.*

Mr. White to Mr. Foster.

No. 838.] LEGATION OF THE UNITED STATES,
London, November 16, 1892. (Received November 28, 1892.)

SIR: Referring to the Department's instruction numbered 656, of December 9, last, with respect to the refusal of copyright in Canada to citizens of the United States, I have the honor to inclose herewith the copy of a note which I have just received on the subject from the Earl of Rosebery, in reply to that which Mr. Lincoln addressed to the Marquis of Salisbury on the 9th of January last, and of which a copy was transmitted, in his dispatch No. 594 of that date, to your predecessor.

I also inclose herewith a copy of the British international copyright act (1886) referred to in Lord Rosebery's note.

I have, etc.,

HENRY WHITE.

[Inclosure in No. 838.]

The Earl of Rosebery to Mr. White.

FOREIGN OFFICE,
November 12, 1892.

SIR: Her Majesty's Government have given the most careful consideration to Mr. Lincoln's note of the 9th of January last relative to the refusal to grant registration of copyright in Canada to citizens of the United States.

Before an answer could be returned to that communication it has been found necessary to institute a thorough and exhaustive inquiry into the exact bearing of the

Imperial and Canadian laws upon copyright and to communicate at some length with the Dominion authorities upon the subject.

I regret that some delay has thus occurred in replying to Mr. Lincon's communication, but I have now the honor to state to you as follows:

A work simultaneously first produced in the United States and in Canada by a citizen of the United States is entitled to copyright in Canada by virtue of Section 8 (1) of the international copyright act, 1886, of which I have the honor to inclose a copy.

My predecessor has already assured Mr. Lincoln, in his note of the 16th June, 1891, that residence in some part of Her Majesty's Dominion is not a necessary condition to an alien obtaining copyright under the English copyright law.

If registration cannot be effected in Canada under section 8 (1) (*a*) of the international copyright act, 1886, any person, whether a British subject or an alien, whose work has been first published in Canada, can entitle himself to a remedy against infringement by registering at Stationers' Hall, in London, under the English copyright act.

I have, etc.,

ROSEBERY.

Mr. White to Mr. Foster.

No. 841.] LEGATION OF THE UNITED STATES,
London, November 21, 1892. (Received December 1.)

SIR: Referring to your instruction No. 951, of November 5 last, relative to the conduct of Capt. Davis, of H. M. S. *Royalist*, to our commercial agent at Butaritari, I have the honor to acquaint you that I brought the matter to the attention of the Earl of Rosebery in an interview with his lordship on the 16th instant, and I stated to him that the United States Government believes "that it has a right to expect that the rights and interests of American citizens established in the Gilbert Islands will be as fully respected and confirmed under Her Majesty's protectorate as they could have been had the United States accepted the office of protection not long since solicited by the rulers of those islands." I also pointed out to his lordship the expediency and, indeed, in view of the strange conduct of Capt. Davis, the necessity of continuing the consular representation of the United States in that quarter, under such superior sanction as Her Majesty's Government may deem fitting by reason of the function of protection which it has assumed.

Lord Rosebery said that he would give the matter his attention as soon as he should receive the note which I told him I proposed addressing to him on the subject.

I herewith inclose the copy of a note which I have to-day written to Lord Rosebery.

I have, etc.,

HENRY WHITE

[Inclosure No. 841.]

Mr. White to the Earl of Rosebery.

LEGATION OF THE UNITED STATES,
London, November 21, 1892.

MY LORD: I have the honor to acquaint your lordship that the United States commercial agent at Butaritari, in the Gilbert Islands, has reported to the Department of State that on the 11th of June last Her Majesty's Ship *Royalist*, commanded by Capt. E. H. M. Davis, Royal Navy, arrived at that port, hoisted the British flag on the same day, and delared the island to be under the protection of Her Britannic Majesty. The other islands of the Gilbert group had also been previously visited and similarly declared under British protection.

I regret to add that this proceding was marked, as I stated to your lordship at the Foreign Office on the 16th instant, by certain acts on the part of Capt. Davis, which are in contrast with the conduct of other agents of foreign governments when declaring under the protection of such governments islands and territories in which the United States maintained a representative accredited to the local authority, and my Government feels it to be necessary, in the interests of good feeling, to invite the attention of Her Majesty's Government to such conduct, with a view to a friendly understanding.

Citizens of the United States have, during the last fifty years, established themselves in several of the islands of the Gilbert group. Acquiring property and vested interests therein, they have won the confidence and esteem of the natives by their exemplary dealings and by their self-sacrificing labors as missionaries; and, supported by the benevolent contributions of the Christian churches of the United States, they have raised that remote island community to a stage of civilized order alike notable and commendable.

These interests, thus firmly established, call for due recognition and protection on the part of the United States Government, and on the 25th of May, 1888, Mr. Adolf Rick was duly commissioned as commercial agent of the United States for the Gilbert Islands, with residence at Butaritari.

Capt. Davis appears to have supposed, contrary to the usage which my Government has observed on other occasions and in other quarters, that the acceptance by Her Majesty of a protectorate over the local rulers of those islands annulled the relations of other governments to the latter; and he appears to have treated the United States commercial agency as nonexistent from the 27th of May, 1892, when his proclamation of assumption of British protection over the Gilbert Islands was issued at Apamama, fifteen days before he arrived at Butaritari on the 11th of June. Mr. Rick was not lacking in courtesy to Capt. Davis, and on the next day, June 12, sought an introduction to him through a reputable resident of Butaritari, Mr. J. F. Luttrell; but Capt. Davis took no notice of the introduction, although Mr. Rick's name and office were distinctly announced, and he turned abruptly away. Owing to this misunderstanding, Mr. Rick and Capt. Davis did not meet until July 6, when the captain informed him orally that he could not recognize him as a consular representative until he should be accredited to Her Majesty the Queen, a statement repeated the next day in writing.

Availing himself of the usual courtesy of forwarding homebound mails by returning war vessels, Mr. Rick, on Friday, July 8, tendered to Capt. Davis several sealed letters and, in particular, official dispatches to the Department of State, inclosed in the prescribed printed envelopes supplied to consular officers for their business correspondence. Capt. Davis demanded that the printed heading, "United States Consulate, Butaritari," should be erased, claiming that its appearance there was "not courteous" on the commercial agent's part. He however accepted the letters the next day, without erasure. The correspondence on the subject between Mr. Rick and Capt. Davis is inclosed.

The trivial character of this incident makes it unworthy of notice, save as an indication of the temper in which Capt. Davis appears to have executed the high mission confided to him. It can not for an instant be supposed that Her Majesty's Government could have intended to give a naval commander the function of censorship over the official correspondence of an officer of a friendly power with the Government he serves; and in regard to the entire proceeding the Secretary of State quite fails to share Capt. Davis's views as to that which constitutes discourtesy.

Neither is it really supposable that Capt. Davis's powers included the abrupt rupture and outlawry of the relations maintained by the United States Government with the Gilbert Islanders through its deputed agent. Had the islands been annexed to Great Britain as conquered territory, the sudden breaking off of the representative functions of the agent of a friendly state might perhaps have found excuse as an act of military necessity; but in the present case it bears an unfriendly aspect which my Government is confident that Her Majesty's Government will hasten to disavow.

In the course of the last few years foreign protectorates have been asserted over territories in which the Government of the United States had established consular representation without interruption thereof until a new appointment required a new act of recognition. Were the British protectorate over the Gilbert Islands deemed to be of a different character, involving the substitutionary credence of the United States commercial agent forthwith to Her Britannic Majesty, this Government would have cheerfully considered the point on due intimation being given by Her Majesty's Government through the regular channels; but my Government is unable to accept the action of Capt. Davis as such usual, timely, and friendly notice as is due from one power to another; nor can the Secretary of State suppose Her Majesty's Government desires or expects that it should be so accepted.

An important fact remains and should not be dwarfed by the petty details which, to the great regret of the Secretary of State, encumber this note.

As I have already stated, the germs of civilization were planted in the Gilbert group by the zealous endeavors of American citizens more than a century ago. The result of this work, carried on by American citizens and money, has been, in fact, to change the naked barbarism of the island natives into enlightened communities and to lay the foundation of the trade and commerce which have given those islands importance in the eyes of Europe to-day. Wrought by the agents of a colonizing power, this development would have naturally led to a paramount claim to protection, control, or annexation, as policy might dictate. My Government has, however, slept upon its rights to reap the benefits of the development produced by the efforts of its citizens; but it can not forego its inalienable privilege to protect the latter in the vested rights they have built up by half a century of sacrifice and Christian endeavor. The Secretary of State feels certain that no country will more readily acknowledge our rights in this regard than Great Britain, which has so largely shared with the United States in the work of carrying progress and civilization to the islands of the Pacific.

I am instructed to take an early occasion to make the views of my Government in this matter known to your lordship and to say that my Government believes that it is entitled to expect that the rights and interests of the American citizens established in the Gilbert Islands will be as fully respected and confirmed under Her Majesty's protectorate as they could have been had the United States accepted the office of protection not long since solicited by the rulers of those islands.

I am furthermore to point out to your lordship the expediency and, indeed, the necessity, in view of Capt. Davis's strange conduct, of continuing the consular representation of the United States in that quarter under such superior sanction as Her Majesty's Government may deem fitting, by reason of the function of protection which it has assumed.

I may add that the representation of the United States in the Gilbert Islands takes the form of a commercial agency—an office already established at many points in Her Majesty's dominions.

I have, etc.,

HENRY WHITE.

Mr. Foster to Mr. White.

No. 970.] DEPARMENT OF STATE,
Washington, November 21, 1892.

SIR: In the judgment of the President the time is opportune for an explicit assertion of the views of the Government of the United States with respect to its rights in the harbor of Pago Pago, as secured by treaty with the Samoan Islands and as now in process of accomplishment. The good concurrence of the treaty powers hitherto touching their mutual rights and obligations in regard to the Samoan Islands has precluded occasion for formal insistence upon the rights and policy of the United States as respects its naval and coaling station in those islands; but a recent occurrence constrains a definite and frank statement in this relation.

In June last the consular representative of the United States at Apia reported the visit of Her Majesty's ship *Curaçoa* to Pago Pago, taking on board the British land commissioner in Samoa for the announced purpose "of looking at the land claimed by the United States Government in that harbor." The commissioner, Mr. Haggard, landed there for a few hours and returned to Apia forthwith.

This proceeding might have been passed over without notice but for the circumstance that it has been stated, without contradiction, in the British press of the Australian colonies, that the object of Mr. Haggard's visit was to select a place for a British coaling station in Pago Pago harbor, and that he in fact allotted a piece of land there with that design. While the absence of denial or correction of this statement

from any official quarter may justify taking notice thereof, I should be reluctant to assume that Her Majesty's Government would take such action in a locality where the Government of the United States possessed prior rights, without notification to us or comparison of views.

The United States have possessed continuous rights in the harbor of Pago Pago, for the purpose of a naval and coaling station, since 1872, when the confederated chiefs of the Island of Tutuila offered it to this Government, by a formal letter of the Chief Manga to the President, dated Pago Pago, August 15, 1873, saying: "We give to you exclusive right to our harbor, and we want you to use it." Later, the Taimua and Faipule, representing all the islands of the Samoan group, sent an envoy to Washington, with whom was negotiated January 17, 1878, the first formal treaty between Samoa and any foreign power. That treaty contained express stipulations in regard to the use of Pago Pago harbor as follows:

ARTICLE II. Naval vessels of the United States shall have the privilege of entering and using the port of Pago Pago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will thereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof.

Upon the ratification and exchange of this treaty, the Taimua and Faipule executed on the 5th of August, 1878, a formal instrument transferring to the Government of the United States the privilege of using the port of Pago Pago and the shores thereof, in accordance with the treaty.

A treaty between Germany and the Samoan Islands was subsequently concluded, January 24, 1879, which distinctly respected the cession of Pago Pago harbor for the use of the United States by conveying to Germany like exclusive rights in another harbor, that of Salufata.

A similar treaty was, still later, signed with Great Britain, August 28, 1879. Like the two preceding treaties with the United States and with Germany, it contained provision for a naval and coaling station, as follows:

ARTICLE VIII. Her Majesty the Queen of Great Britain may, if she think fit, establish on the shores of a Samoan harbor, to be hereafter designated by Her Majesty, a naval station and coaling depot; but this article shall not apply to the harbors of Apia or Salufata, or to that part of the harbor of Pago Pago which may be hereafter selected by the Government of the United States as a station under the provisions of the treaty concluded between the United States of America and the Samoan Government on the seventeenth day of January, in the year one thousand eight hundred and seventy-eight.

While purporting to respect the rights of Germany to Salufata harbor and equally those of the United States to Pago Pago, this article is so phrased as to convey the suggestion that Her Majesty's government is permitted by that of Samoa to avail itself of the use of Pago Pago harbor, should Her Majesty designate some "part" thereof not "selected" by the Government of the United States as a station under the provisions of the American treaty with Samoa.

At best, were this stipulation valid as against the United States, it is, by its terms, expressly contingent upon their being some part of the harbor or of its shores which this Government under its prior and paramount grant does not desire directly or indirectly for the purpose of the grant.

Under the express provisions, however, of the prior treaty between the United States and Samoa, and by the formal instrument of transfer, the Samoan Government has absolutely conveyed to the United States the privilege of entering and using the port of Pago Pago and

the shores thereof for a coaling and naval station. Any subsequent action of the Taimua and Faipule in entering into a contract with Great Britain, which may be construed as granting to that Government a right of entry and use in respect to the harbor of Pago Pago, similar to and in common with that conveyed to the United States, is void because the grantor is no longer competent to deliver the thing alleged to be granted.

So much for the terms of the grant itself. But the exclusive and complete right of the United States in the premises is further fortified by the solemn covenant between the Samoan Government and the United States, that Samoa "will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof." This stipulation, while not necessary to the complete and exclusive validity of the actual grant, nevertheless affords a convenient measure of the obligation of Samoa toward the United States; inasmuch as the injection of any similar and additional right of entry and use, in favor of any foreign power whatsoever in the harbor of Pago Pago, would necessarily constitute the exercise and authorization of another jurisdiction within said port adverse to and restrictive of the rights expressly acquired by the United States.

This Government has on several occasions publicly announced its possession of vested rights in the harbor of Pago Pago. It has taken continuous measures to maintain those rights. Steps are now in progress for the improvement of the harbor to the designed end, and lands on its shore have been from time to time purchased from the owners as required by the development of the plans for a naval and coaling station. So far as this process may suggest, availing of its rights in the premises, it is (presently) continuous and not exhausted. Through no act nor omission of the Government of the United States can its rights and privileges be considered to have lapsed or to have reverted to the Samoan Government.

I am not, in fact, advised that it is the intention of Her Majesty's Government to put forth a claim to enter and use the harbor of Pago Pago as a coaling station, and I shall be glad to learn that the apprehensions excited by the recent action of Her Majesty's Samoan land commissioner were without real foundation. It is, nevertheless, due to the spirit of cordial frankness which it is ever the aim of this Government to observe that this incident should be availed of in order to convey to Her Majesty's Government the views of this Government in this important regard.

You are, therefore, instructed to make known the views herein expressed to Her Majesty's Government through Her Majesty's secretary of state for foreign affairs, adding that, while not anticipating any other than cordial acquiescence therein, it is deemed proper to make known the President's conviction that any attempt on the part of Her Majesty's Government to occupy any part of the port of Pago Pago as a coaling or naval station could not fail to be regarded by this Government as an unfriendly act, because tending to impair our vested rights therein.

You will at the same time say that this Government has at no time had, and has not now, any desire to exclusively occupy the harbor of Pago Pago to the inconvenience of other shipping. The terms and objects of the exclusive cession of the right to use the port and shores for a naval and coaling station are compatible with and may be regarded as implying much of the detailed stipulations found in the German-Samoan treaty and as meaning that, like Saluafata, the harbor of Pago

Pago shall not be closed on account of the rights granted to the United States to the naval or mercantile ships of any such other nations for whom the Samoan Government keep their other ports opened, but the Samoan Government shall not grant to any other nation such rights with respect to the harbor of Pago Pago and its shores as those granted to the Government of the United States.

You will communicate the foregoing to the Earl of Rosebery by reading it to him and, should his lordship so desire, leaving with him a copy.

I am, etc.,

JOHN W. FOSTER.

Mr. White to Mr. Foster.

No. 846.] LEGATION OF THE UNITED STATES,
London, November 26, 1892. (Received December 6.)

SIR: Referring to my dispatch numbered 841, of the 21st instant, I have the honor to inclose herewith a copy of a note which I have received from the Earl of Rosebery, in reply to the communication which I addressed to his lordship on the 21st ultimo, relative to the conduct of Capt. Davis, of H. M. S. *Royalist*, to our commercial agent at Butaritari, Gilbert Islands.

I have, etc.,

HENRY WHITE.

[Inclosure in No. 846.]

The Earl of Rosebery to Mr. White.

FOREIGN OFFICE, *November 24, 1892.*

SIR: It is with sincere regret that I learn from your note of the 21st instant, that the proclamation of a British protectorate over the Gilbert Islands was accompanied by an incident to which your Government considers itself compelled to call attention.

The matter shall receive my immediate and careful consideration. In the meantime, I would beg you to convey to the United States Government an assurance that the rights and interests of United States citizens established in the Gilbert Islands will be fully recognized and respected by the British authorities.

I have, etc.,

ROSEBERY.

Mr. White to Mr. Foster.

No. 852.] LEGATION OF THE UNITED STATES,
London, November 30, 1892. (Received December 9.)

SIR. Referring to your instruction numbered 970, of the 21st inst., which reached me this morning, with respect to the rights of the United States in the harbor of Pago Pago, I have the honor to acquaint you that I have just had an interview at the foreign office with the Earl of Rosebery, to whom I communicated your views on the subject, by reading to his lordship your instructions, of which I left a copy with him, at his request.

Lord Rosebery promised to give the matter his prompt attention.

I have, etc.

HENRY WHITE.

Mr. Foster to Mr. White.

No. 988.] DEPARTMENT OF STATE,
Washington, December 7, 1892.

SIR: I have read with much satisfaction your No. 846, of the 26th ultimo, reporting the acknowledgment made by Lord Rosebery of your communication relative to the conduct of Capt. Davis, of H. M. S. *Royalist*, at Butaritari, and to the recognition and protection of American interests and rights in the Gilbert Islands.

His lordship's frank assurance that these rights will be fully recognized and respected by the British authorities is as gratifying as it was confidently to be expected from the friendly sense of justice and regard for international prerogatives which animates Her Majesty's Government.

With regard to the conduct of Capt. Davis I have naturally felt averse to giving to the correspondence on the subject a tone of mere complaint because of his deportment. Many details have reached me, abundantly supported by trustworthy testimony, which suggest that his language and conduct ill reflect that temperate, impartial, and commendable exercise of authority, which it must necessarily be the design of Her Majesty's Government, to observe in assuming this protectorate over the Gilbert Islanders.

It seems due, however, to Her Majesty's Government to submit, in a friendly spirit, for its information a report, which has recently reached me, showing the arbitrary conduct and intemperate manners of Capt. Davis, and his remarkable assumption of power and authority to condemn *ex parte* and without a hearing a citizen of the United States for an offense alleged to have been committed in one of the islands of the Gilbert group half a year before the announcement of Her Majesty's protectorate.

Feeling assured that Lord Rosebery shares my views that the manifestations of authority under such a protectorate should claim cordial acquiescence and command respect, as well by their intrinsic merits as by the high character and dignified temperance of the agencies by which they are carried out, I feel sure that his feelings of regret and chagrin in reading this graphic statement of Capt. Davis's unseemly profanity and overbearing demeanor will be closely akin to those I myself experience; and that the same doubts will arise in his lordship's mind as in mine, touching the appropriateness of such an instrumentality to fulfil the friendly assurances of recognition and respect for American rights and interests in the Gilbert Islands, which his lordship's note so unhesitatingly gives.

I am, etc.,

JOHN W. FOSTER.

[Inclosure in No. 988.]

Mr. Kustel to Mr. Foster.

BUTARITARI, GILBERT ISLANDS, *July 11, 1892.*

DEAR SIR: I beg leave to inform you that I am the master and owner of the American schooner "*Fleur de Lis*," also owner of two trading stations in the island of Tarawa, of this group. Also that during the month of June, 1892, the British flag was hoisted on Tarawa. Also that during the same month I heard at the various islands touched at that the man-of-war *Royalist*, H. B. M. S., was looking for me. So

arriving at Butaritari I determined to await the coming of the *Royalist*. On the arrival of the *Royalist*, July 7, I received a note addressed to Mr. Albert Kustel, trader, of Tarawa, schooner *Fleur de Lis*, asking me to come on board the *Royalist* the following morning, July 8. When about to start for the ship on the following morning, launch came alongside and said captain wished to see me ashore at the Kings. I went ashore and met the captain at the Kings with a few natives. He produced a document which he read, accusing me of assaulting a native by pointing a revolver at him in November, 1891, and that he the native, took the revolver from my hand. The captain asked if that was true. I said yes, excepting that the man had jerked the revolver from my pocket while I was trying to make him fast with a handkerchief. He accepted that amendment. Then read evidence of Peter Grant (a Swede) amounting to the same thing. He then asked me in a very blasphemous manner what I meant by such criminal conduct. I told him that there were extenuating circumstances and wished to explain myself. He positively refused to listen to any explanation. He said I should have tried that game in the Salomons and I would have got my throat cut. He then condemned me forthwith—said a trial was unnecessary. I managed to work in that I pointed the revolver to prevent his interfering with my crew. He then asked by what authority did I try to hold any native on board my vessel as a seaman. I told him that my authority was their signatures on my shipping articles. He replied: "Your articles were not worth a damn." Also adding that any king or chief could order any one off of my vessel, articles or no articles. And that if I did anything to prevent their leaving I was amenable to the law (English). He then accused me of intimidating natives; of holding the king under my finger, through giving him liquor; of creating all of the disturbance in Tarawa; that I was brutal to my crew, and a bad character generally, and that I was down here on the sufferance of these natives. I told him that his informers were unreliable whites—Swedes and Germans, who hated an American. I asked him why he did not inquire among the natives as to my character. He said: "Damn your character. I don't care a God damn for your character." I told him that he took no native evidence in Tarawa—only whites: that I treated my crew kindly; that I had neither struck nor permitted them to be struck on board my vessel. He said I had "a damn good reason—that I was afraid of being thrown overboard." I then asked him to go on board my vessel and get my crew and question them; he refused to do so. He then asked "What reparation are you going to make to that native that you assaulted." I then told him that the German man-of-war *Sperber* had been through the group. That the captain had called us (the whites) together and said that if the King and chief did not do what was right that we should look out for ourselves. That in the absence of any general laws we would have to shift for ourselves. He (captain of *Royalist*) said that counted for nothing; what did I intend or propose paying the native? I spoke of the place not being under English rule at the time, and I questioned his right to try an American. He said that he had a right to try any case happening at any time. He said that if whites didn't like it to leave. The sooner they got out of the islands the better it would suit him. I then offered $10. He got very insulting, and I got up and said that I would let the case rest on its merits, depending on my own country to help me out or to settle the difficulty. I then wished him a very good morning. He shouted "sit down," and read a document which he said he intended sending to Washington. I then left. During this entire interview I refrained from all swearing, and the captain seemed to take especial pleasure in damning a master of an American vessel as often as possible.

The next morning I received the following:

"H. M. S. ROYALIST,
"At Butaritari, July 7, 1892.

"MEMO.—You, having this day declined to make suitable reparation to Tabautin, the Tarawa native, whom by your own admission you assaulted on Tarawa Island about November, 1891, I shall request the commander-in-chief to communicate with the United States Government on the subject.

"ED. H. M. DAVIS,
"Captain and one of the Deputy Commissioners of the West Pacific.

"To Mr. ALBERT KUSTEL,
"Trader, Tarawa."

At the time he was damning me I was A. J. Kustel, master of the American schooner *Fleur de Lis*. I have been constantly engaged as master of American vessels for the past fifteen years. It is true that I own two trading stations on Tarawa, but I have never traded nor sold personally, at either of these stations. I beg to leave to offer the following as the defense that was refused to be heard by Capt. Davis:

In November, 1891, the natives of the island of Tarawas were engaged in civil war. There existed no law nor order amongst the natives. Threats against the property

and lives of the white residents of the islands were freely made, and no outside help was available. Therefore we were thrown entirely on our own resources. I laid my schooner up, leaving my crew to look out for her, it being the season of west or dangerous winds, and I stood in readiness to assist the traders should an outbreak occur. P. Grant, a Swedish trader, sent his wife and family to my station and soon followed himself. I harbored them as long as they desired to stay. The native referred to by Capt. Davis, had been residing in Butaritari till 1889, when he fled to Tarawa to escape punishment for an offense committed against A. Rick, United States commercial agent. He bore a bad reputation, being quarrelsone and addicted to drink. In Tarawa he did not improve, but tried to incite the natives against the whites. In November he had prevented men that I had shipped from going on board the *Fleur de Lis*. At the time I was on board and went ashore, asking the king to send my men on board, which he refused to do. I then took Peter Grant and began search for this native, and met him on the road. He began to run. I ordered him to halt. On his not stopping I pointed a revolver at him with the intention of frightening him. He stopped when Peter Grant said "Make the scoundrel fast." I put the pistol in my side pocket and attempted to make him fast with a handkerchief, when he dodged, jerked the pistol from my pocket, fired it over my head and ran, and that was the last I saw either of my pistol or the assaulted native. Value of pistol $18. I claim that this whole affair is only worked up for the purpose of driving me, an American, from the island. The captain informed me that he would arrange things so that I could get no crew in the future for my vessel. I am the only American of prominence or of property on this island. The Germans are seeking to control it. The captain would listen to nothing that I had to say. I was tried, found guilty, and sentenced before he ever saw me.

All of which is respectfully submitted.

A. J. KUSTEL.

(Care of Wightman Bros., 309 California street, San Francisco.)

BUTARITARI,
Island of Butaritari, Gilbert Islands, ss:

Personally appeared before me Capt. A. J. Kustel, known to me, and who affixed his signature to the foregoing in my presence, and who upon being duly sworn says that he has read the foregoing statement of what passed between himself and Capt. E. H. M. Davis, and that it is true.

Butaritari, July 12, 1892.

A. RICK,
United States Commercial Agent.

Mr. White to Mr. Foster.

No. 865.] LEGATION OF THE UNITED STATES,
London, December 10, 1892. (Received December 21.)

SIR: Referring to your instruction No. 951 of the 5th ultimo, and to my dispatch No. 841 of November 21, I have the honor to acquaint you that Lord Rosebery informed me during a recent interview which I had with his lordship in reference to other matters, that orders have been circulated by the admiralty to commanders of Her Majesty's ships, directing them to recognize in the usual manner the United States consular agent in the Gilbert Islands.

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Foster.

No. 869.] LEGATION OF THE UNITED STATES,
London, December 12, 1892. (Received December 23.)

SIR: Referring to my dispatch No. 865 of the 10th instant, I have the honor to inclose herewith the copy of a note which I have received from

the Earl of Rosebery, confirming what he stated to me verbally relative to the recognition of our commercial agency at Butaritari, in the Gilbert Islands, and expressing the regret of Her Majesty's Government that Capt. Davis, of H. M. S. *Royalist*, did not provisionally recognize Mr. Rick in that capacity.

I have, etc.,

HENRY WHITE.

[Inclosure 1 in Dispatch No. 869.]

Earl Rosebery to Mr. White.

FOREIGN OFFICE, *December 9, 1892.*

SIR: With reference to my letter of the 24th ultimo, respecting the position of Mr. Rick, the United States commercial agent at Butaritari, in the Gilbert Islands, I have the honor to state that Her Majesty's Government are quite prepared to accept your note of November 21 as sufficient notification of that gentleman's official position.

The commander in chief on the Australian station has been instructed by telegraph to cause Mr. Rick to be recognized in his consular capacity by the officers under his orders, and the governors of New South Wales and Fiji will also be instructed to insert a notification in the Government Gazette of their respective colonies to the effect that Mr. Rick has been recognized by Her Majesty's Government as commercial agent for the United States in the Gilbert Islands.

With regard to the proceedings of Capt. Davis, of Her Majesty's ship *Royalist*, Her Majesty's Government regret that that officer did not extend to Mr. Rick provisional recognition, pending reference to this department, though he appears to have been technically correct in his view that Mr. Rick's appointment should be notified to the protecting powers before he could be formally recognized.

I trust, however, that no practical inconvenience will have resulted from Capt. Davis's action.

I have, etc.,

ROSEBERY.

CORRESPONDENCE WITH THE BRITISH LEGATION AT WASHINGTON.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, October 10, 1891.

SIR: I have the honor to apprise you of the receipt of a memorial from the Lake Carriers' Association of Buffalo, N. Y., under date of the 18th ultimo, in which they complain of the discrimination by the Canadian government against citizens of the United States in the use of the Welland Canal in contravention of article 27 of the treaty of 1871. In view of its statements I have thought it proper to furnish you with a copy, which I now have the honor to do, and request such explanation of the facts in the case as you may desire to make.

As the matter is one of special importance to our people at this season of the year, may I ask that you will kindly give it your early consideration.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Keep to Mr. Blaine.

LAKE CARRIERS' ASSOCIATION,
Buffalo, N. Y., September 18, 1891.

SIR: I inclose herewith a copy of a resolution unanimously adopted at a meeting of the board of managers of the Lake Carriers' Association, held in this city on this 18th day of September, 1891; also a copy of the statement or brief addressed to you, to which said resolution refers.

I also send under separate cover a copy of Supplement No. 1 to the last annual report of the Canadian department of railway and canals, which is frequently referred to in the statement or brief.

Respectfully calling the attention of your Department to the gross injustice to our citizens, as shown by the accompanying documents,

I remain, etc.,

C. H. KEEP, *Secretary.*

At a meeting of the board of managers of the Lake Carriers' Association, held at Buffalo, N. Y., on this 18th day of September, 1891, the following resolution was unanimously adopted:

Resolved, That the secretary forward to the Department of State, at Washington, the annexed statement or brief relating to tolls on the Welland Canal discriminating against American vessels, ports, and citizens, and respectfully urge the Government of the United States to take prompt and energetic measures in the direction therein indicated to secure to our vessels, ports, and citizens their full rights under the treaty of May 8, 1871.

S. D. CALDWELL, *President.*

A true copy.

C. H. KEEP, *Secretary.*

Mr. Keep to Mr. Blaine.

LAKE CARRIERS' ASSOCIATION,
Buffalo, N. Y., September 18, 1891.

SIR: The following is a brief statement of the facts showing a violation of this article on the part of the Canadian government by the imposition of tolls and the institution of a system of rebates on the Welland Canal which discriminates against citizens of the United States and in favor of the inhabitants of the Dominion of Canada.

The Canadian government imposes cargo tolls on traffic passing through the Welland Canal. In the case of grain, flour, feed, etc., these tolls are 20 cents per ton. For some years past, however, the Canadian government has, just before the opening of lake navigation, issued an order in council granting a rebate of 18 cents per ton of the tolls on grain traffic passing through the Welland Canal, provided the grain was carried through to Montreal or some point east of Montreal. As the class of boats engaged in carrying grain from the upper lakes through the Welland Canal is unable to pass through the St. Lawrence Canals, it has been customary to transfer their grain cargoes when destined to Montreal to lighter-draft vessels. This transfer up to the season of 1890 was made at the Canadian port of Kingston. During the season of 1890 about 16,000 tons of grain which passed through the Welland Canal and was destined for Montreal was transferred from lake vessels to river barges at the port of Ogdensburg, N. Y. At Kingston grain is transferred directly from the vessel to the river barges, but at Ogdensburg, where there are large elevators and storage capacity, the grain was transferred through an elevator.

As this grain was chiefly destined for ocean export from Montreal, the process of transfer at Ogdensburg has decided advantages over that at Kingston. The grain having been taken from the lake vessel into the elevator at Ogdensburg could be stored there until the ocean steamer on which it was to be shipped was about ready to load in Montreal. It could then be transferred to barges and reach Montreal just when it was needed for loading. By this means a considerable expense was avoided and a decided advantage gained over the system of transfer practiced at Kingston, where the river barges often arrived in Montreal a considerable period of time before the ocean steamer at that port was ready to load, in which case the grain was held

to await the steamer at considerable expense. Although the order in council granting rebate on Montreal grain for the season of 1890 was absolute in terms and contained no provision confining the payment of such rebate to grain transshipped at one port rather than another, the Canadian government at first declined to pay the rebate on the grain transshipped at Ogdensburg, but took the matter under consideration and made no decision until about the close of navigation for the season. It was then decided that the rebate must be paid on the grain transferred at Ogdensburg, and such payment was made. The effect, however, of the government's action in withholding its decision until the close of navigation was to put an end almost entirely o the transshipment of grain at Ogdensburg, because the forwarders were uncertain as to whether they would get their rebate or not, and did not care to assume the risk of an unfavorable decision by the Canadian authorities.

On March 25, 1891, the Canadian government issued a new order in council providing for the usual rebate of 18 cents per ton on Montreal grain during the season of 1891. This order, however, differed from orders made in former years, and the conditions of the rebate are stated in the order as follows: "First, the products aforesaid on which the refund may be claimed should be shown to have been originally shipped for Montreal or some port east of Montreal before entering the Welland Canal. Second, they shall be shown to have been actually carried to Montreal or some port east of Montreal. Third, transshipment, if at a Canadian intermediate port, shall not prevent the refund aforesaid being made."

While the third condition does not state unequivocally that transshipment at an American intermediate port will prevent the refund, it is generally so interpreted. There can be no doubt that the intention in wording this condition was to carry the impression that on Montreal grain transferred at Ogdensburg the refund would not be paid. As a matter of fact a few cargoes of Montreal grain have been transferred at Ogdensburg during the present year for the purpose of testing this order in council, and in each case a demand for a refund has been refused. Shortly after the first of these cargoes was transferred at Ogdensburg the Canadian government issued an order that no rebated tolls under the order in council would be paid until the close of navigation.

Supplement No. 1 to the annual report of the Canadian minister of railways and canals (a copy of which is sent herewith) contains the canal statistics for the season of navigation of 1890. In it will be found a verification of all the facts hereinbefore set forth relating to the year 1890.

It may be well to point out certain other facts, drawn from the official report, of the operations of the Welland Canal for the season of navigation of 1890, as contained in the supplement above referred to. From that report it appears that in the year 1890 there passed down the Welland Canal to Canadian ports 363,839 tons of freight, of which 212,080 obtained a rebate of nine-tenths of the canal tolls. During the same season there passed down the canal to United States ports 327,833 tons of freight, of which only 16,433 tons obtained any rebate whatever. It also appears that in the year 1890 there passed down the Welland Canal in Canadian vessels 326,149 tons of freight, of which 184,275 tons obtained a rebate of nine-tenths of the tolls exacted at the canal. During the same season there passed down the canal in United States vessels 362,477 tons of freight, of which only 52,459 tons obtained any rebate whatever. On traffic up the canal no rebates or tolls were paid; but of such traffic up the canal in the year 1890, 251,342 tons were bound to American ports and only 38,724 tons to Canadian ports. Of this traffic 217,726 tons were carried in American vessels and only 72,340 tons in Canadian vessels. It also appears in the report that during the year 1890, 178,988 tons of coal were carried up and 23,396 tons of coal were carried down the Welland Canal. Of the coal carried up 161,616 tons were carried between ports of the United States, 92 tons were carried between Canadian ports, and 17,280 tons from a United States to a Canadian port. It will thus be seen that the uptraffic in coal through the canal consisted almost entirely of a movement in the United States coastwise trade, and was therefore necessarily carried in United States vessels. On this up movement of coal full tolls of 20 cents per ton were exacted. On the down movement of coal, however, 22,781 tons were carried to Canadian ports, and all of this was carried in Canadian vessels. Only 615 tons of coal were carried down through the canal, in an American vessel, or to an American port. On the 11th of April, 1890, the Dominion Government issued an order reducing the toll on coal passing down the canal from 20 to 10 cents per ton, but leaving the full toll of 20 cents on coal bound up the canal.

It also appears from this official report that of the Montreal grain transferred at Kingston during the season of 1890, 184,275 tons was carried to Kingston in Canadian vessels and 35,560 tons in vessels of the United States.

The Lake Carrier's Association believes that the facts hereinbefore set forth, show very plainly a violation by the Dominion Government both of the spirit and letter of the twenty-seventh article of the treaty of Washington, for the following reasons:

First. The effect of the rebate on Montreal grain is to allow practically all the grain which passes through the Welland Canal bound for Canadian ports to go

through at a toll of only 2 cents per ton, while the grain which passes the canal bound for United States ports is obliged to pay a toll ten times as great. It is understood that the Dominion Government claims that the treaty is not hereby violated because the grain carried to Canadian ports is shipped from ports of the United States; that therefore the carriage of such grain is open both to American and Canadian vessels; and that the rebate is paid alike to the vessels of both countries. Therefore, they claim that the use of the Welland Canal is given to Canadian and United States vessels on equal terms. It is to be noted, however, that the twenty-seventh article of the treaty of Washington secures the equal use of the canal not only to American and Canadian *vessels* but to the *citizens* of the two countries. The purpose and intent of that article is clearly to prevent the Canadian Government, by the use of vexatious canal regulations, or by any device of discriminating tolls, rebates or refunds, from giving to their own vessels or to their own ports or to their own consumers or citizens, any advantage over American vessels or American ports or American consumers or citizens. If the intent of the treaty had been simply to secure to vessels of the two countries equal rights in the canal, such intention would have found its natural expression by using the word "vessels" in the article. It is clear that the intent of the article is to cover a broader ground, and to secure the use of the canal on equal terms not only for American vessels but for American ports, consumers and business interests. The grain rebates are, therefore, in clear violation of the treaty.

When an American vessel loaded with grain for an American port passes the Welland Canal, by what citizen of the United States is the canal used? Is it not used as well by the owners or consignees of the cargo, as by the owners or charterers of the vessel? Manifestly it is used by both, and the Canadian Government distinctly recognizes this fact by exacting tolls from both. On every steam vessel passing the canal a toll of 1¼ cents per registered ton, and on every sailing vessel a toll of 2¼ cents per registered ton, is collected. In addition to these vessel tolls, tolls are exacted on the cargo, and it is on these cargo tolls that discrimination is made. When two vessels loaded with grain arrive at the canal together, one cargo destined for Ogdensburg or Oswego, and the other destined for Montreal, and the Candian Government exacts a toll ten times as great on the cargo destined for the United States port as on the cargo destined for the Canadian port, it is clear that the use of the canal is not secured on equal terms for the citizens of both countries. On the principal commodity passing the canal there is an audacious discrimination against American forwarders, ports, consumers and routes of export and in favor of Canadian forwarders, ports, consumers and routes of export. In the year 1890 on 228,513 tons of grain carried through the Welland Canal to Montreal, only $4,570 tolls was exacted, whily on 245,932 tons of grain which passed down the canal to Ogdensburg, Oswego, and other United States ports $49,186 was exacted. Surely this is not giving the use of the canal on equal terms to inhabitants of the Dominion and citizens of the United States. A careful study of the official canal statistics for the year 1890 shows that the Dominion Government collected on the Welland Canal over and above all refunds cargo tolls to the amount of $134,000, and that of these tolls cargo destined for American ports paid $97,000, and cargo destined for Canadian ports only $37,000. Of the total cargo tonnage of the canal 57 per cent destined for American ports paid more than 72 per cent of the tolls, 43 per cent destined for Canadian ports paid less than 28 per cent of the tolls. With only one-third more cargo than Canada, we paid nearly three times as much in cargo tolls.

Mention has already been made of the difference in the rates of toll on west-bound and east-bound coal, and in the statement of facts above given it is shown that on this article as well as on grain there is a clear discrimination against citizens of the United States. The west-bound coal is nearly all carried between United States ports, and therefore necessarily on American vessels. Twenty cents a ton is exacted on this traffic. The same commodity when carried through the canal east-bound is nearly all carried to Canadian ports and on Canadian vessels. By an order in council made last year only 10 cents a ton is exacted thereon.

Second. There is the clearest possible case of discrimination against citizens of the United States in the third condition attached to the refund of grain tolls, as such condition appears in the order in council granting such refunds for the year 1891. That condition implies in the plainest possible manner that nine-tenths of the grain tolls will be refunded on Montreal grain in case such grain is transferred at Kingston, but that no such refund will be made if such transfer is made at Ogdensburg. If the Canadian Gonernment claims that no refunds whatever are now being made, that the whole subject will be taken up at the close of the season of navigation, and that refunds on grain transferred at Ogdensburg have not yet been definitely refused, it is sufficient to say that the clear and necessary effect of this condition in the order in council is to drive the business away from the Ogdensburg route. So long as a condition thus expressed appears in the order in council granting grain refunds, no forwarder of grain can prudently transship it at Ogdensburg.

Third. The system of tolls now in use in the Welland Canal is a discrimination

against American vessels as well as against American ports, consumers, routes of export and forwarders. By confining the granting of grain refunds to grain transshipped at Kingston, the Canadian Government thus excludes from the operation of the refund order the regularly-organized lines of American vessels running to Ogdensburg. It confines the benefits of the order in council to American vessels which may run to a certain Canadian port, and while this Montreal grain shipped from ports of the United States and for that reason its carriage from such ports to Kingston is often to vessels of the United States, as a matter of fact this line of the carrying trade is in the hands of Canadian vessels. We have seen also that in the east-bound coal traffic through the canal, where such traffic is almost entirely carried in Canadian vessels, a toll is exacted only one-half as great as in the case of the west-bound traffic in the same commodity, such west-bound traffic being almost entirely United States coastwise trade, and therefore necessarily in the hands of American vessels. We submit that it is not giving the use of the Welland Canal to United States vessels on terms of equality with those of the Dominion to select lines of trade which are in the hands of United States vessels, and in such cases to exact full cargo tolls while granting greatly reduced rates of cargo toll in lines of trade which are, as a matter of fact, in the hands of Canadian vessels. Should the Canadian Government not grant redress, and should it continue to hold that the regulations now in force are no violation of the treaty, then the United States Government would certainly be free to place upon the treaty the same construction placed upon it by the Canadian Government. It could, therefore, place in force upon the St. Clair Flats Canal and the St. Mary's Falls Canal a system of tolls which would operate against Canadian vessels and ports just as the Welland Canal tolls operate against our own.

Suppose the United States should put in force regulations whereby all vessels passing the St. Clair Flats Canal or St. Mary's Falls Canal bound for any port of the United States should be allowed to pass without paying tolls, while high cargo tolls were exacted from all vessels passing these canals bound for any Canadian port. Such regulations could certainly not be complained of by the Canadian Government. If it were found as a matter of fact that any particular commodity carried to any Canadian ports through these canals was usually carried in American vessels, or was a trade from which the business interests of the United States were deriving benefit, then such commodity might be exempted from the payment of tolls just as Montreal grain and east-bound coal are partly exempted on the Welland Canal, leaving, however, all Canadian coastwise business through these canals and all business through these canals bound to Canadian ports and usually carried in Canadian vessels subject to such heavy tolls.

Simple justice to American forwarders and vessel owners requires that on grain bound for Montreal the same tolls should be exacted at the St. Clair Flats Canal that are now exacted at the Welland Canal on grain destined for ports of the United States.

Very respectfully, yours,

LAKE CARRIERS' ASSOCIATION,
Per C. H. KEEP, *Secretary*.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, October 12, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant inclosing copy of a memorial from the Lake Carriers' Association of Buffalo complaining of discrimination by the Canadian Government against citizens of the United States in the use of the Welland Canal in contravention of article 27 of the treaty of 1871, and to inform you at the same time that I will bring this matter to the attention of my Government.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, November 25, 1891.

SIR: Her Majesty's consul at Baltimore has reported to me that the British steamship *Oxford* has lately arrived at that port manned by a Chinese crew. These men were engaged at Hongkong and are stated to be British subjects. The port authorities have, however, warned the master of the vessel that any member of his crew who lands will, under the existing law, be liable to arrest.

I can not but think that the action taken against these men by the port authorities at Baltimore will not be supported, and I venture to express the hope that instructions may at once be sent to them to withdraw the prohibition.

In connection with this case I venture to draw your attention to the following extract from a judgment of the Supreme Court of the United States delivered on the 25th of May last by Mr. Justice Field in the case of Ross *vs.* McIntyre, No. 1683 (October term, 1890).

> The position that the petitioner being a subject of Great Britain was not within the jurisdiction of the consular court is more plausible, but admits, we think, of a sufficient answer.
>
> The national character of the petitioner for all the purposes of the consular jurisdiction was determinable by his enlistment as one of the crew of the American ship *Bullion*. By such enlistment he became an American seamen, one of an American crew on board an American vessel, and as such entitled to the protection and benefits of all the laws passed by Congress on behalf of American seamen and subject to all their liabilities. Although his relations to the British Government are not so changed that after the expiration of his enlistment on board of the American ship that Government may not enforce his obligation of allegiance, and he on the other hand may not be entitled to invoke its protection as a British subject, that relation was changed during his service of seaman on board of the American ship under his enlistment. He could then insist upon treatment as an American seaman and invoke for his protection all the power of the United States which could be called into exercise for the protection of seamen who were native born.

Thus, according to this decision, the men on board the *Oxford* even if they were not natural born or naturalized British subjects would by virtue of their enrollment as seamen on board a British ship be entitled to the privileges enjoyed by British subjects in the ports of the United States.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, November 25, 1891.

SIR: I have the honor to inclose herewith copies of letters which have been forwarded to me by Her Majesty's consul at Boston from certain shipping agents in that city, complaining of the hardness and injustice to which they are subjected through the interpretation given there, by port authorities, to the immigration act of March 3, 1891.

In bringing the matter to your notice I venture to express the hope that the Secretary of the Treasury will see his way to cause instructions to be sent to the port authorities at Boston to take charge of passengers who are not allowed to remain in the country until the ship bringing them is ready for sea, as I am informed by Mr. Henderson is

the practice at New York, and which would seem to be within the powers of the inspection officers under section 8 of the act.

I have, etc.,

JULIAN PAUNCEFOTE.

Warren & Co. to the British consul.

LIVERPOOL STEAMSHIP OFFICE,
125 Milk Street, Boston, November 13, 1891.

SIR: We beg to report to you the hardship British steamers suffer which arrive here with passengers on board who are barred from landing under American law.

Our steamer *Roman* arrived here September 16, having on board a woman and four children who were forbidden to land and we were ordered to keep this family in custody while the ship was in port and return them to the place whence they came. In pursuance of these orders and in order to comply as far as possible with their tenor these people were detained on board under watch. On the 21st idem, being a very warm day, they were allowed rather more liberty and during dinner time the woman escaped; we made every effort to find her, but without success. The matter was reported by the commissioner of immigration to the collector of the port, and the vessel was unable to obtain her clearance papers on the 22d until a deposit of $1,000 and guaranty of liability for a further amount, if necessary, was made with the district attorney.

Being unable to find the woman we applied to the district attorney for a warrant to arrest her if she could be found anywhere, but were told such a course could not be allowed under the law; that the vessel was guilty of a misdemeanor in allowing the woman to land, not the woman in landing. Since then the woman has been found but declines to return, and neither the Government representatives nor ourselves have the power to make her.

The district attorney informs us he must bring suit against the steamer to show why a fine should not be imposed, and intends summoning the woman as a witness.

We maintain that it is strictly contrary to the rules of a British ship to confine passengers on board while in port; that it is moreover a very dangerous practice to keep passengers on a steamer working cargo through open hatches, unless they are confined below, and in hot weather this is inhuman; that if certain passengers are forbidden by law to land, they should be taken in charge by the United States authorities on shore (at the steamer's expense if necessary) and returned to the steamer just prior to sailing.

We also maintain that if passengers are to be detained on board and should escape the steamer's agents should have authority to arrest same if they are unwilling to return otherwise.

We put these facts before you and request that notice of them be sent to Her Majesty's minister at Washington with such recommendations as you may see fit to make, and that the proper United States authorities be communicated with there. We inclose a letter on this matter signed by several British steamship agents in this city.

Yours, truly,

WARREN & CO.

Steamship agents to British consul.

BOSTON, *November 13, 1891.*

SIR: Referring to the act of Congress in amendment to the act regulating immigration, of March 3, 1891, whereby certain passengers are not allowed to land, but are to be detained on shipboard and returned to the port whence the steamer came, we respectfully request that you communicate with Her Majesty's minister, in Washington, to the effect that a British ship is not a proper place to detain, and if necessary, confine passengers while in port, but that such passengers should be taken charge of by the United States authorities while the steamer is in port.

We are, yours, etc.

WARREN & CO.,
Agents Warren Line.
THAYER & LINCOLN,
Agents Leyland Line.
E. ADAMS & CO.,
Agents Beaver Line.
H. AND A. ALLEN,
Agents Allen Line.
ALEXANDER MARTIN,
Agent Cunard Line.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 28, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant in relation to the crew of the British steamship *Oxford*, now in the port of Baltimore.

Your note has been referred to the Secretary of the Treasury for such action, if any, as the case may require, and upon receipt of his reply you will be further communicated with upon the subject.

I have, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 30, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, asking that the port authorities at Boston may be instructed to take charge of immigrants who are not allowed to remain in this country until the ship bringing them is ready for sea.

I take pleasure in informing you in reply that your request has been submitted to the Secretary of the Treasury for his consideration.

I have, etc.,

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 19, 1891.

SIR: Pursuant to the provisions of the copyright act, approved March 3, 1891, the President, on the 1st of July last, issued his proclamation extending the benefits of said act to subjects of Great Britain in consequence of the satisfactory assurances which had been given that in Great Britain and the British Possessions the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of those countries.

The assurance given by Her Majesty's Government in regard to the equal treatment of citizens of the United States throughout the British Dominions in the matter of copyright derives especial emphasis from the circumstance that in applying for the benefits of the act of March 3, 1891, in behalf of British subjects, Lord Salisbury withdrew his first statement, made June 16, 1891, "that English law permits to citizens of the United States of America the benefits of copyright on substantially the same basis as to British subjects," and substituted therefor, but under the same date, the explicit declaration "that the law of copyright in force in all British Possessions permits the citizens of the United States of America the benefit of copyright on substantially the same basis as to British subjects."

I am, however, informed that the Government of the Dominion o Canada refuses to admit citizens of the United States to the privileg of registration of copyright in Canada on their complying with th conditions of printing and publishing in Canada, under the assuranc so given by Her Majesty's Government and under the proclamation o the President. By a letter now before me, addressed by J. B. Jackso registrar of the department of agriculture at Ottawa, to a citizen o the United States, who sought information on the subject, it appea that the ground of this refusal is the allegation "that the enactmen and proclamation referred to do not constitute an 'international copy right treaty,' and that, therefore, citizens of the United States can no register under our [the Canadian] act."

I have, accordingly, the honor to ask, through you, an explanatio of this important discrepancy between the assurances given by Hi Majesty's Government and the course of the Dominion Government i the matter of the copyright privilege of citizens of the United State The declaration of Lord Salisbury and its acceptance by the Unite States Government constituted an international arrangement whic this Government desires to observe and maintain in its entirety, and should much regret if any untoward circumstance should constrain i abandonment or essential qualification.

I inclose for your information copies of a publication showing th President's proclamation of July 1, 1891, and the assurances upo which it rested.

I have, etc.,

JAMES G. BLAINE.

INTERNATIONAL COPYRIGHT.

Act of March 3, 1891.

No 1.

Text of act.

[Public—No. 166.]

AN ACT to amend title sixty, chapter three, of the Revised Statutes of the United States, relati to copyrights.

Be it enacted by the Senate and House of Representatives of the United States of Ameri in Congress assembled, That section forty-nine hundred and fifty-two of the Revis Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4952. The author, inventor, designer, or proprietor of any book, map, cha dramatic or musical composition, engraving, cut, print, or photograph or negati thereof, or of a painting, drawing, chromo, statue, statuary, and of models or desig intended to be perfected as works of the fine arts, and the executors, administrato or assigns of any such person shall, upon complying with the provisions of th chapter, have the sole liberty of printing, reprinting, publishing, completing, cop ing, executing, finishing, and vending the same; and, in case of dramatic compos tion, of publicly performing or representing it or causing it to be performed or re resented by others; and authors or their assigns shall have exclusive right dramatize and translate any of their works for which copyright shall have be obtained under the laws of the United States."

SEC. 2. That section forty-nine hundred and fifty-four of the Revised Statutes b and the same is hereby, amended so as to read as follows:

"SEC. 4954. The author, inventor, or designer, if he be still living, or his wido or children, if he be dead, shall have the same exclusive right continued for the fu ther term of fourteen years, upon recording the title of the work or description the article so secured a second time, and complying with all other regulations in r gard to original copyrights, within six months before the expiration of the fir

term; and such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers printed in the United States for the space of four weeks."

SEC. 3. That section forty-nine hundred and fifty-six of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read as follows:

"SEC. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuary, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, District of Columbia, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuary, model, or design for work of the fine arts, a photograph of same: *Provided*, That in the case of a book, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom. During the existence of such copyright the importation into the United States of any book, chromo, or lithograph, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby, prohibited, except in the cases specified in paragraphs five hundred and twelve to five hundred and sixteen, inclusive, in section two of the act entitled 'An act to reduce the revenue and equalize the duties on imports, and for other purposes,' approved October first, eighteen hundred and ninety; and except in the case of persons purchasing for use and not for sale, who import, subject to the duty thereon, not more than two copies of such book at any one time; and except in the case of newspapers and magazines, not containing in whole or in part matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation: *Provided, nevertheless*, That in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be permitted."

SEC. 4. That section forty-nine hundred and fifty-eight of the Revised Statutes be, and the same is hereby, amended so that it will read as follows:

"SEC. 4958. The Librarian of Congress shall receive from the persons to whom the services designated are rendered the following fees:

"First. For recording the title or description of any copyright book or other article, fifty cents.

"Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

"Third. For recording and certifying any instrument of writing for the assignment of a copyright, one dollar.

"Fourth. For every copy of an assignment, one dollar.

"All fees so received shall be paid into the Treasury of the United States: *Provided*, That the charge for recording the title or description of any article entered for copyright, the production of a person not a citizen or a resident of the United States, shall be one dollar, to be paid as above into the Treasury of the United States, to defray the expenses of lists of copyrighted articles as hereinafter provided for.

"And it is hereby made the duty of the Librarian of Congress to furnish to the Secretary of the Treasury copies of the entries of titles of all books and other articles wherein the copyright has been completed by the deposit of two copies of such book printed from type set within the limits of the United States, in accordance with the provisions of this act and by the deposit of two copies of such other article made or produced in the United States, and the Secretary of the Treasury is hereby directed to prepare and print, at intervals of not more than a week, catalogues of such title-entries for distribution to the collectors of customs of the United States and to the postmasters of all post-offices receiving foreign mails; and such weekly lists, as they are issued, shall be furnished to all parties desiring them, at a sum not exceeding five dollars per annum, and the Secretary and Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles prohibited by this act."

SEC. 5. That section forty-nine hundred and fifty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4959. The proprietor of every copyright book or other article shall deliver

at the office of the Librarian of Congress, or deposit in the mail, addressed to the Librarian of Congress, at Washington, District of Columbia, a copy of every subsequent edition wherein any substantial changes shall be made: *Provided, however,* That the alterations, revisions, and additions made to books by foreign authors, heretofore published, of which new additions shall appear subsequently to the taking effect of this act, shall be held and deemed capable of being copyrighted as above provided for in this act, unless they form a part of the series in course of publication at the time this act shall take effect."

SEC. 6. That section forty-nine hundred and sixty-three of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty and one-half to the use of the United States."

"SEC. 7. That section forty-nine hundred and sixty-four of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4964. Every person, who after the recording of the title of any book and the depositing of two copies of such book, as provided by this act, shall, contrary to the provisions of this act, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import, or knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction."

SEC. 8. That section forty-nine hundred and sixty-five of the Revised Statutes be, and the same is hereby, so amended as to read as follows:

"SEC. 4965. If any person, after the recording of the title of any map, chart, dramatic or musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this act, shall within the term limited, contrary to the provisions of this act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, dramatize, translate, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, dramatized, translated, or imported, shall sell or expose to sale any copy of such map or other article as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale, and in case of painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor, and the other half to the use of the United States."

SEC. 9. That section forty-nine hundred and sixty-seven of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4967. Every person who shall print or publish any manuscript whatever without the consent of the author or proprieter first obtained, shall be liable to the author or proprietor for all damages occasioned by such injury."

SEC. 10. That section forty-nine hundred and seventy-one of the Revised Statutes be, and the same is hereby, repealed.

SEC. 11. That for the purpose of this act each volume of a book in two or more volumes, when such volumes are published separately and the first one shall not have been issued before this act shall take effect, and each number of a periodical, shall be considered an independent publication, subject to the form of copyrighting as above.

SEC. 12. That this act shall go into effect on the first day of July, anno Domini eighteen hundred and ninety-one.

SEC. 13. That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement. The existence of either of the conditions as aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require.

Approved, March 3, 1891.

No. 2.

Circular to United States ministers.

DEPARTMENT OF STATE,
Washington, May 7, 1891.

To ———, ESQ., etc.:

SIR: I inclose herewith two copies of an act of Congress, approved March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights."

You are instructed to transmit a copy of this act to the Government to which you are accredited, and to call attention to the fact that the benefits of the statute are extended to the citizens of foreign states only after a proclamation of the President, to be issued under conditions specified in section 13.

I am, etc.,

JAMES G. BLAINE.

No. 3.

Report to the President on the act of March 3, 1891.

DEPARTMENT OF STATE,
Washington, June 27, 1891.

To the PRESIDENT:

By the act of March 3, 1891, amending title 60, chapter 3, of the Revised Statutes of the United States, relating to copyrights, the Government of the United States has undertaken to admit the citizens or subjects of foreign states or nations to the privileges of copyright in this country on either of two conditions. These conditions are expressed in section 13 of that act and are alternative, not concurrent.

The first in order of the conditions stated in section 13 is that the act shall apply to the citizens or subjects of a foreign state or nation "when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens."

The second condition is that the act shall apply to the citizens or subjects of a foreign state or nation "when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement.

The existence of either of these conditions is to be determined by the President of the United States "by proclamation made *from time to time, as the purposes of this act may require.*"

Under this clause it is the duty of the President to withhold, issue, or revoke his proclamation, in accordance with the facts as to the existence or nonexistence of one of the two specified conditions at any particular time.

The terms of the first condition are clear, and have not as yet presented any difficulty of interpretation.

The terms of the second condition are less determinate and have given rise to much discussion and to variant interpretations. For convenience, we will consider the second condition first.

SECOND CONDITION.

On the 9th of September, 1886, a convention was concluded at Berne, Switzerland, for the establishment of an international union for the protection of literary and artistic works. The parties to this convention were Belgium, Germany, France, Liberia, Spain, Great Britain, Hayti, Italy, Switzerland, and Tunis.

The minister of the United States at Berne attended the conference which formed this convention, but only in an *ad referendum* capacity, and, as the subject of international copyright was then pending before Congress with a view to legislation, the representative of the United States did not sign the convention. By the eighteenth article of the Berne Convention it is provided that countries which have not joined it, but which, "by their municipal laws, assure legal protection to the rights" of which the convention treats, "shall be admitted to accede thereto on their request to that effect."

It has been argued that this eighteenth article of the Berne Convention completely

satisfies the second condition specified in section 13 of the act of March 3, 1891, and *ipso facto* entitles the contracting parties to a proclamation by the President admitting their citizens or subjects to participation in the benefits of that act, without reference to the question whether the present legislation of the United States would be accepted as satisfying the conditions of accession to the convention.

This argument gives to the words "at its pleasure," in the second condition, a very remarkable extension. It disregards not only the declared purpose of the second condition, which was to secure "reciprocity in the granting of copyright, but the terms prescribed in article 18 of the Berne Convention for the accession of countries not parties thereto.

It was obviously contemplated in the second condition that wherever it was made the ground of extending to the citizens of foreign nations participation in the benefits of our copyright law it should be possible for the United States by its own voluntary act—"at its pleasure"—to secure for its citizens the benefits of the copyright law of such foreign nations; for it is expressly required that this international agreement shall provide for "reciprocity in the granting of copyright," and also that by the terms of the agreement the United States "may, *at its pleasure*, become a party."

The argument that the signatories of the Berne Convention are entitled to the benefits of our act merely because that convention provides for the accession of other powers neglects both the reciprocal feature of the second condition as well as the fact that by article 18 of the Berne Convention a condition of accession is prescribed, namely, that the municipal laws of the countries desiring to accede must "assure legal protection to the rights whereof this convention treats."

The act of March 3, 1891, unquestionably does assure legal protection to the rights of which the Berne Convention treats, but it does so only under certain limitations specified in the act. The most important of these limitations is that found in section 3, which requires that the copies of the book, photograph, chromo, or lithograph deposited to obtain copyright shall be printed from type set within the limits of the United States, or from plates made therefrom, or from negatives or drawings on stone made within the limits of the United States, or from transfers made therefrom.

The Swiss minister, representing the Government which is the organ of the signatories of the Berne Convention, has applied for the extension of the benefits of our act to the citizens or subjects of the signatories on the ground of their being parties to that convention. In response to this application, this Government has inquired whether it can become a party to the Berne Convention upon the basis of the present law, including the requirement as to typesetting, etc., in the United States. The assurance that this very important and indeed essential condition of the law would not prove to be an obstacle to our accession has not as yet been received.

If the United States can not become a party to the convention of Berne upon the basis of the act of March 3, 1891, which is the last and the mature expression of the legislative will and pleasure of this country on the subject of international copyright, can it in any proper sense be maintained that the United States may, "*at its pleasure*," become a party to that convention? Or, to put the question in another way, can it be contended that the United States may "at its pleasure" become a party to the Berne Convention, if, on making its request for accession under article 18 of that instrument, it is informed that its law does not entitle it to accession?

The provision as to typesetting, etc., in the United States, was a very weighty one in the deliberations of Congress upon the adoption of the statute; and, in inserting in the body of the statute a provision for the conditional extension of its benefits to the citizens or subjects of foreign states, it could scarcely have been the intention of Congress to put this Government in the position of extending those benefits to the citizens or subjects of foreign states, while our own citizens were denied reciprocal advantages, except on condition of the repeal of very important provisions of our statute. Such a contention would place Congress in the attitude of passing an act to define the conditions of granting copyright, and at the same time inserting a provision which, if we are to secure reciprocal justice to our citizens, requires the immediate and material alteration of the statute. Not only is such an interpretation unreasonable, and therefore to be avoided, if possible, but it is also directly opposed to the language of the act, which, in the condition now under consideration, clearly discloses the object of obtaining the privileges of copyright for our citizens in foreign countries. It was with this end in view that the extension of the benefits of the act to the citizens of foreign states was made conditional. The construction which we have combatted, while extending the privileges of our law to the citizens of foreign states, would actually deprive this Government of the power to exact for our citizens the privilege of copyright in those states. According to this construction an international agreement for reciprocity in copyright might be framed with the deliberate design of excluding the United States, unless it materially and even radically changed its law; and yet, if the

agreement contained a stipulation that other countries than those signing might accede, it would be the duty of the President at once to proclaim that the second condition of section 13 had been fulfilled in respect to the citizens of the contracting parties, and they would immediately enjoy the benefit of copyright in this country, while our citizens would effectually be debarred from obtaining it in theirs. Unless clearly required, a construction leading to such incongruous results should not be adopted, even if it were not, as in the present instance it is, immediately destructive of the declared purpose of the legislature, which was to make the extension of the act to the citizens of foreign states conditional upon the granting of copyright to our citizens in those states.

In a note to the Swiss minister of the 8th instant, this Department fully explained its interpretation of the second condition expressed in section 13 of the act of March 3, 1891. If the parties to the Berne Convention shall decide that the legislation of of the United States entitles this Government to the privilege of accession, on its request to be permitted to do so, there will probably be no difficulty in determining what should be done; for in that case the citizens or subjects of the signatories of that international agreement would, in the opinion of the undersigned, clearly be entitled to the benefit of our law under the second condition of section 13. The United States could then, "at its pleasure," become a party to the convention, which also secures a general reciprocity in the granting of copyright among the States of the literary and artistic union. But, until such a decision shall have been made, applications for the benefit of our law should be presented under the first condition of section 13, which we now proceed to consider.

FIRST CONDITION.

The first condition specified in section 13 of the act of March 3, 1891, presents no difficulty. It simply extends the benefits of our law to the citizens of any country that extends the benefits its law to our citizens on substantially the same basis as to its own. In ascertaining whether this condition is fulfilled, it is entirely irrelevant to inquire whether the foreign law is the same as our own, and grants copyright as freely and fully in every particular. Congress, in acknowledging and protecting the property of the author or artist in the products of his intellect, was not so illiberal as to require that the foreign law should offer a strict reciprocity by containing the same provisions as our own. Such an exaction, involving the assimilation of the laws of all other countries to our own, would have offered a practically impossible condition, incompatible with the purpose of the act and to the last degree restrictive. Congress did not assume such a position. On the contrary, it made the equal participation of our citizens in the benefit of the law of the foreign country, whatever that law might be, the condition of the participation of the citizens of that country in the benefit of our law.

There are several countries that have applied, in behalf of their citizens, for the benefits of our law under the first condition specified in section 13.

Belgium.—In a note of June 9, 1891, the Belgian minister conveys a copy of the law of his country on the subject of literary and artistic copyrights and informs the Department that "foreigners enjoy in Belgium, in the matter of artistic and literary protection, the same rights and privileges as natives."

The provisions of the Belgian law are in some respects more liberal than our own, and article 38 of section 7 reads as follows:

"Foreigners enjoy in Belgium the rights guaranteed by the present law, but the duration of such rights shall not, in their case, exceed the duration fixed by the Belgian law. Nevertheless, if such right sooner expire in their own country, they shall cease at the same time in Belgium."

The Belgian law clearly falls within the first alternative condition specified in section 13 of the act of March 3, 1891, and the proclamation of the President may accordingly be issued on the 1st of July, 1891, the date at which the act takes effect.

France.—The first country to apply in behalf of its citizens for the benefits of the act of March 3, 1891, was France. Communications on the subject were made both to our legation in Paris and through the French minister at this capital to this Department. France claims to have complied with both of the alternative conditions specified in section 13 of our act. It is, however, only the first that we are now considering. We have been furnished with the French legislation on literary and artistic copyrights, and the French minister, in a note of May 25, 1891, declares that the legislation of his country "secures to American authors rights that are not only 'substantially' equal to, but identical with, those belonging to French authors."

In respect to French citizens, the proclamation of the President may issue on the same basis as in the case of Belgian subjects.

Great Britain.—The third country to apply in behalf of its subjects for the benefits of the act of March 3, 1891, was Great Britain.

In a note to our minister in London of June 16, 1891, Lord Salisbury says:

"Her Majesty's Government are advised that under existing English law an alien by first publication in any part of Her Majesty's dominions can obtain the benefit of English copyright, and that contemporaneous publication in a foreign country does not prevent the author from obtaining British copyright; that residence in some part of Her Majesty's dominions is not a necessary condition to an alien obtaining copyright under the English copyright law, and that English law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to British subjects.

By a telegram from our minister in London of June 20, 1891, the Department is informed that Lord Salisbury has substituted for the above assurance the following:

"Her Majesty's Government are advised that under existing English law an alien by first publication in any part of Her Majesty's dominion can obtain the benefit of English copyright, and that contemporaneous publication in a foreign country does not prevent the author from obtaining English copyright; that residence in some parts of Her Majesty's dominions is not a necessary condition to an alien obtaining copyright under the English copyright law, and that the law of copyright in force in all British possessions permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to British subjects."

It will be seen by comparison that the only change made in the phraseology of the note of June 16 by the later statement communicated by telegraph is in the last clause. This clause in the note of June 16 was "that English law permits to citizens of the United States of America the benefit," etc.

In place of this the statement now made by the British Government is "that the law of copyright in force in all British possessions permits," etc.

This assurance is more comprehensive than the first and, as the official statement of the British Government, given in the very language of the first alternative condition of section 13 of the act of March 3, 1891, warrants the inclusion of Great Britain and the British possessions in the proclamation applicable to Belgium and France.

Switzerland.—By a note of the 26th instant, the Swiss minister applies, in behalf of the citizens of Switzerland, for the benefit of our law under the first condition of section 13. To this end he refers us to the law of his country, which contains the following provisions:

"ARTICLE 10. The provisions of this act are applicable to authors domiciled in Switzerland, as regards all their works, no matter where those works appear or are published; also to authors not domiciled in Switzerland, as regards works that appear or are published in Switzerland.

"Authors not domiciled in Switzerland enjoy the same rights, as regards works which appear or are published in foreign countries, that are enjoyed by authors of works appearing in Switzerland, provided that the latter receive the same usage in the country concerned as the authors of works published there.

"ART 4. Authors domiciled in Switzerland have the right to give such notice (or make such declaration) in the case of all their works, and authors not domiciled in Switzerland; also, authors not domiciled in Switzerland in the case of works published in foreign countries, but only when the authors of works published in Switzerland receive the same usage in the country concerned that is received by the authors of works published there. Foreign authors of the latter class must meet the requirements of this provision, unless some other arrangement has been made by means of an international convention."

These provisions, officially presented as constituting a compliance with the first condition of section 13, appear to warrant the inclusion of Switzerland in the proclamation with Belgium, France, and Great Britain.

Annexed hereto is a copy of the act of March 3, 1891, and a form of proclamation.

Respectfully submitted.

J. B. MOORE,
Third Assistant Secretary.

No. 4.

Note to Swiss minister on the Berne Convention.

DEPARTMENT OF STATE,
Washington, June 8, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, in which you again bring to the attention of the Department the subject of copyright in the United States under the act of Congress of March 3, 1891, by the thir-

teenth section of which the benefits of the law are, under specific conditions, to be extended to the citizens or subjects of foreign states.

In regard to the citizens or subjects of the states which are parties to the Berne Convention, you make particular inquiry in order to ascertain whether they will be permitted to participate in the benefits of the act after the 1st of July next.

The provision of the act to which your inquiry refers is that in which it is said that the act shall apply to the citizens or subjects of a foreign state or nation "when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement.

By the words "at its pleasure," the Department does not understand that Congress intended to extend the benefits of the act immediately and unconditionally to the citizens or subjects of states which were parties to any reciprocal agreement whatsoever to which, without reference to the present law, this Government might become a party through the exercise of the treaty-making power.

It is true that in their broadest sense the words "at its pleasure" might possess such significance, but the Department is of opinion that they were employed to convey an opposite meaning. It seems necessary to interpret them as signifying that the agreement must admit of the adhesion of this Government on the basis of the law in which they are found. In other words the agreement can be said to permit the United States to become a party "at its pleasure" only when such agreement admits of the adhesion of the United States and extends to it the benefits of the conventional guarantees in return for the privileges which the present law affords.

The Department is not assured that the Berne Convention admits of the accession of the United States precisely on the basis of the act of March 3, 1891. For example it is provided in the statute that the copies of the work which are filed for the purpose of obtaining a copyright must be printed from type set within the limits of the United States or from plates made therefrom.

The Department has not been assured that this requirement would not be an obstacle to this Government's becoming a party to the Berne Convention "at its pleasure." It is stated that the law of Belgium contains a similar provision as to printing in that country, and Belgium is a party to the Berne Convention; but whether or not there has been a suspension of the Belgian law in that regard in consequence of the convention, the Department is not informed.

The Department is at present engaged in the consideration of several communications touching the application of the act of March 3, 1891. Among them are some which contemplate the application of the act on the first of the alternative conditions specified in section 13, namely, the extension of the benefit of the law to the citizens of states or nations which grant to citizens of the United States the benefit of copyright on substantially the same basis as to their own citizens. Where such an assurance as this can be given, the case is greatly simplified.

There is still another suggestion which it may be useful to consider. Assuming that the Berne Convention admits of the accession of the United States without any change in our law, it may be advisable to ascertain whether all or any of the parties to that convention may be able to grant to citizens of the United States the reciprocal privileges intended to be secured by that agreement, before the United States formally becomes a party to it, upon the strength of a proclamation of the President admitting their citizens or subjects to the benefits of the act.

Accept, Mr. Minister, the renewed assurances of my highest consideration.

WILLIAM F. WHARTON,
Acting Secretary.

No. 5.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of the copyright on substantially the same basis as its own citizens or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in Belgium, France, Great Britain and the British possessions, and Switzerland the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of those countries:

Now, therefore, I, Benjamin Harrison, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the citizens or subjects of Belgium, France, Great Britain, and Switzerland.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of July, one thousand eight hundred and ninety-one, and of the Independence of the United States the one hundred and fifteenth.

[SEAL.] BENJ. HARRISON.

By the President:

WILLIAM F. WHARTON,
Acting Secretary of State.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, December 22, 1891.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant on the subject of the refusal of the Canadian Government to admit citizens of the United States to the privilege of registration of copyright in Canada.

I have forwarded copies of this note to the Marquis of Salisbury and to the Governor-General of Canada, and I shall have the honor of addressing a further communication to you on the subject on the receipt of their replies.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, January 5, 1892. (Received January 5.)

SIR: I have received a telegram from Her Majesty's consul-general in New York stating that a man, named John Gibbons, and his family, consisting of his wife and five children, have been declared to be assisted emigrants by the superintendent of emigration, and ordered to be returned to-morrow on the *City of Paris*, the ship on which they came to this country.

Gibbons is an army pensioner, who has had his pension commuted by the war office and possesses money to the amount of £204 13*s*., which is now in charge of Her Majesty's consul-general in New York. He has a brother living in Jersey City, who has taken apartments for him there. He therefore can not be considered either a "pauper" or "a person likely to become a public charge." Moreover, his passage was paid out of his own money, although it was advanced by the war office, who owed it to him.

Under these circumstances I venture most strongly to press that telegraphic instructions may at once be sent to the superintendent of emigration at the port of New York to hold Gibbons and his family until I shall have had time to lay the whole facts of this case before you.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, January 7, 1892.

SIR: Referring to your note of the 5th instant, in reference to the case of John Gibbons and family, declared to be assisted immigrants likely to become public charges, I have the honor to inform you that prior to the receipt of your note the Commissioner of Immigration at New York had been instructed by telegraph, at the instance of the British Consul-General at New York, to detain the immigrants for a further investigation of the matter.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, January 8, 1892. (Received January 9.)

SIR: With reference to my note of the 5th instant on the subject of the case of John Gibbons and his family, I have the honor to inform you that I have learned with great satisfaction from her Majesty's Consul-General in New York that they have been held in New York pending a further consideration of their case, and I take this opportunity of conveying to you my best thanks for the courtesy and promptness with which my request was attended to.

In continuation of my above-mentioned note, I have the honor to lay before you the following additional details in relation to this case, which I have received from Mr. Booker.

Gibbons is an able-bodied man with a healthy wife and five healthy children. The eldest girl who has been allowed to land has already procured a situation, and Gibbons's brother, who lives in Jersey City, can procure for him employment at once. The wife is represented as a woman quite capable of taking care of her family and herself.

Commutations of pensions are only granted by the war office in England as a favor and on the application of the pensioner that he intends to leave the country and settle abroad. In this case only a sufficient sum out of the commutation money is advanced him to pay his passage, and the balance is sent to an official at the foreign or colonial port to which the pensioner is going, to be given him on landing.

The money which he receives for the payment of his passage and on landing at the port of destination is his own property, but it is paid to him in this manner by the war office as a guarantee for its safety. He can not, therefore, I venture to submit, be regarded in any way as an

assisted emigrant, and the only reasons for returning the Gibbons family under the act of March 3, 1891, would appear to be if they were paupers or likely to become a public charge. But as I have before stated they are a healthy family in possession of about $1,000 and ready and eager to obtain employment, and I can not think that the exclusion of people of this description was contemplated by the abovementioned act.

I accordingly venture to express the hope that the Secretary of the Treasury, when he becomes acquainted with all the details of this case, will give a favorable consideration to my request that Gibbons and his family be permitted to land.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, January 14, 1892. (Received January 14.)

SIR: It is my sorrowful duty to announce to you the lamentable intelligence, which I have just received from the Marquis of Salisbury, of the death this morning, at Sandringham, of His Royal Highness the Duke of Clarence and Avondale.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, January 14, 1892.

SIR: I have conveyed to the President the melancholy information you communicate in your note of this date, of the death of His Royal Highness the Duke of Clarence and Avondale; and I am directed by the President to express the sorrow with which he learns of this sad bereavement suffered by Her Majesty's royal family.

By a telegraphic instruction sent to-day, the minister of the United States has been directed to make suitable communication of the President's deep regret and sincere condolences.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, January 19, 1892. (Received January 19.)

SIR: With reference to my notes of the 5th and 8th instant respectively, relative to the case of Charles Gibbons, I have the honor to inform you that Her Majesty's consul-general in New York reports that Gibbons and his family are still detained in New York, and I should be

very much obliged if you would let me know whether the Treasury authorities have come to any decision in regard to this case.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, January 22, 1892.

SIR: Referring to your notes of the 5th, 8th, and 19th instants, respectively, relative to the case of Charles Gibbons, an alleged assisted immigrant, I have the honor to inclose for your information a copy of a letter from the acting Secretary of the Treasury communicating his decision in regard to the matter.

Calling attention to the statement of the Treasury Department that its action in the Gibbons case will not be considered as a precedent in similar cases in future,

I have, etc.,

JAMES G. BLAINE.

Mr. Spaulding to Mr. Blaine.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 19, 1892.

SIR: Referring to the case of Charles Gibbons, who, with a portion of his family, has been detained by the Commissioner of Immigration at the port of New York until it could be ascertained whether or not he is an illegally assisted immigrant, which case is referred to in communications from the Department of State to the Secretary of the Treasury dated respectively January 5, 1892, and January 9, 1892, transmitting copies of letters from Her British Majesty's minister at this capital, I have the honor to inform you that instructions have this day been sent to the proper officer to permit the landing of the immigrants referred to.

This determination has been reached with difficulty. Whatever may be the merits of the Gibbons case it is clear that this Government can not allow a general practice to grow up which shall permit the landing at United States ports of any considerable number of people of this class, simply because such practice would be in violation of the provisions of the immigration laws.

For your information I inclose herewith copy of a letter dated the 23d ultimo from the acting commissioner of immigration, port of New York, detailing particulars of the case of Gibbons and of another immigrant, John O'Brien, coming hither under almost identical circumstances. To this communication I respectfully call your attention.

The immigrant O'Brien was returned to the country from which he came on the ground that he was both illegally assisted and likely to become a public charge. The facts set forth in Mr. O'Bierne's communication seem to indicate that it is a practice of the British war office, particularly in the case of invalid or disabled pensioners, to commute their pensions and pay them a lump sum on the condition and understanding that they are immediately to emigrate to, and thereafter reside in, some other country. As stated in Mr. O'Bierne's letter, and confirmed by Her British Majesty's minister in his communication of the 8th instant, the sum of money resulting from such commutation is not paid to the commuter in Great Britain, but is forwarded to the British consul at New York, or other United States ports of arrival and paid to him on this side after his landing and when it is apparently certain that he will not be a further burden upon the revenues of Great Britain. The unavoidable inference is that this privilege of commutation, whether so intended or not, serves as an inducement to the pensioner to emigrate from Great Britain.

As will be seen by the cited cases of O'Brien and Gibbons, the amount of money resulting from such commutation of pension is not sufficient to preserve the immi-

grant from becoming a public charge for any considerable length of time if he is otherwise unable or unwilling to earn a livelihood. The result is that this country is asked to receive and maintain a class of men who, however meritorious may have been their military service to a foreign nation and however exemplary may be their personal character, yet are unable to be self-sustaining, and are in effect, if not technically, assisted immigrants within the prohibitions of our statutes.

I will thank you to call the attention of Her Majesty's minister to this aspect of the case and to impress upon him the fact that while, at his request, the Gibbons family have been permitted to land this action must not be considered a precedent in future cases of substantially similar nature.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

[Inclosure in inclosure.]

Mr. O'Bierne to Mr. Foster.

OFFICE OF UNITED STATES SUPERINTENDENT OF IMMIGRATION,
BARGE OFFICE,
New York City, December 23, 1891.

SIR; I have the honor herewith to submit for direction of the Secretary of the Treasury two cases of ex-British soldiers assisted in coming to this port by the official authorities of Great Britain. The first is that of John O'Brien, 60 years of age, born in Ireland, arrived December 20, 1891, per steamship *Britannic*, certified by the surgeon U. S. I. S. in our medical department, Dr. J. A. Tonner, as suffering from old gunshot wound of shoulder and unable to take care of himself. O'Brien swears that his object in coming to the United States was to receive commutation of pension from Her Majesty's consul in New York City, amounting to £95 1*s.* 10*d.* sterling, as a settlement of his pension claims. He has a friend and a daughter-in-law here, addresses not known. He is utterly unable to support himself by manual labor. I have received from her Britannic Majesty's consul-general the following letter, dated New York, December 21, 1891, relating to him:

"SIR: John O'Brien has been brought to this office by an officer from your department, who states that he has to be returned, as likely to become a public charge. If the man be allowed to land I shall pay him the equivalent of £96, which should be regarded as sufficient to relieve him from his otherwise disability to land.

"I am, sir, your obedient servant,

"J. BOOKER,
"*Consul-General.*"

"Gen. JAMES R. O'BIERNE,
"*Commissioner of Immigration.*"

It appears in this case that the presence of O'Brien (who already has his return ticket to Ireland) is merely for the purpose of collecting this commutation of pension, and he further says that he does intend to remain in this country. He came under the influence of the following communication, usually received in like cases from the representatives of the war office of the British Government:

"I am directed by the lords and others, commissioners of this (Chelsea) hospital, to inform you that, having fully considered your application for commutation of pension, together with reports on your case from medical and staff officers, who have been desired to examine you, they are pleased to award you the amount of —— years' pension as commutation of pension, and have directed that you shall receive £—— at home for emigration expenses and the balance on your arrival at ——; but at the same time they wish once more distinctly to caution you that in accepting this grant you forfeit all further claim whatever upon the Chelsea Hospital."

O'Brien is held for further special inquiry, with the view that he should be prohibited from landing in the United States. It is to be said, however, that this will involve to him a hardship in preventing his receipt of commutation of his pension. Again, if he is landed, and should receive and expend this money, he is liable to become a public charge, in which event, of course, he can be sent back at the expense of the steamship company which brought him here.

A second case of the same character, but with some redeeming traits about it, is that of Charles Gibbons, also an ex-British soldier, 52 years of age, born in Ireland, arrived per *City of Chester* December 21, 1891, a pensioner, who is accompanied by his wife and five children; a very nice family; Lucian, 14, suffering from lameness,

and Mary, 11, convalescent from pneumonia; destination, Jersey City, to brother, who promises pensioner employment. He is to receive £304 13*d.* in money as pension commutation; is a clerk and man of intelligence, having been living with his family all the time in garrison, when not in field; has been thirty-three years in the British Army.

These two cases, while alike on general principles as to the act of the British Government in deporting them to this country, and making a condition of settlement of its obligations to them an implied residence in this or other country outside of the British Government, in order to secure it against further reclamations of these soldiers, who have been so long in its service, has seemed to me to involve two questions: First, Are these cases of "assisted immigration"? Second, Do they involve any points of international courtesy, or an implied utilization of the United States and its territory, to decrease the number of dependent classes of Great Britain, and to throw the responsibility of their support and maintenance upon this country in the event of the parties becoming unable to take care of themselves? I write, inviting the particular attention of the Secretary of the Treasury, and if necessary, of the Secretary of State, to these cases, inasmuch as I am given to understand by the older employés of this office that this practice has been long resorted to in similar cases; which, of course, it goes without saying, adds eventually to the burden of the pauper element of this country, to be sustained by the public charities.

Respectfully, yours,

JAS. R. O'BIERNE,
Acting United States Commissioner of Immigration.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, January 28, 1892. (Received January 28.)

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant transmitting the decision of the Treasury Department in regard to the case of John Gibbons.

I should be very much obliged if you would convey my best thanks to the Acting Secretary of the Treasury for the courteous attention which has been paid to my request, and at the same time inform him that I have forwarded a copy of his letter to my Government.

I have, etc.

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, February 29, 1892. (Received March 2.)

SIR: Referring to my note of the 25th November last, and to your note of the 30th of the same month on the subject of the charge of immigrants who are not permitted to land at Boston, I have the honor to recall the matter to your attention and to express the hope that I may be favored with a reply to my above-mentioned note at an early date.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, March 8, 1892. (Received March 10.)

SIR: With reference to my note of the 28th of January last, I have the honor to inform you that I forwarded a copy of your note of the 22d of that month transmitting the decision of the Treasury Department in regard to the case of Charles Gibbons, an alleged assisted immigrant, to the Marquis of Salisbury, and I have now received a dispatch in reply from his lordship forwarding a communication from the secretary of state for war on the subject, copy of which I have the honor to inclose herewith.

In bringing this question of commuted pensioner immigrants once more to your notice, I venture to call your attention to the argument contained in that letter, and, in compliance with instructions which I have received from the Marquis of Salisbury, I have the honor to inquire whether you would be good enough to move the Secretary of the Treasury to reconsider his decision in regard to sound and healthy commuted pensioners desiring to emigrate from Great Britain to this country.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

The secretary of state for war to the under secretary of state, foreign office.

WAR OFFICE,
London, February 15, 1892.

SIR: In reply to Mr. Lowther's letter of the 6th instant forwarding a dispatch from Her Majesty's minister at Washington on the subject of the refusal of the Government of the United States to receive as immigrants army pensioners who have commuted their pensions, I am directed by the secretary of state for war to express his hope that Lord Salisbury will be willing to urge that the decision of the United States Government may be reconsidered. I am to point out that there is no desire on the part of this department to allow men unfit to earn their own living to immigrate to foreign countries, that the commissioners of Chelsea Hospital require (1) that the man be found medically sound; (2) that he has letters from friends promising employment or a home; (3) that he must emigrate with his family. The commissioners are so far from encouraging these commutations that nine out of ten are refused because they do not fulfill the conditions above mentioned. As regards the case of O'Brien, who was refused permission to land, I am to state that it is evidently fraudulent, and that it will be carefully investigated.

In conclusion, I am to observe that if men like Gibbons, with a healthy family and entitled to receive £300 from Her Majesty's consul-general at New York, are not to be allowed in future to land in the United States, it is difficult to conceive what persons from these islands will be acceptable as immigrants.

I have, etc.,

RALPH THOMSON.

Mr. Wharton to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, March 17, 1892.

SIR: I have the honor to refer to the discussion which took place in the conferences lately held at this Department between the Secretary of State, yourself, and the Canadian commissioners, respecting the discriminating tolls in the Canadian canals; and to inclose herewith a

copy of a letter from the Lake Carriers' Association, dated Buffalo, N. Y., the 11th instant, containing figures showing the amounts of the discrimination in question.

The Department will greatly appreciate your courtesy in forwarding a copy of this letter at once to the Canadian authorities for their information in connection with the promised satisfactory adjustment of the question of canal tolls.

Accept, etc.,

WILLIAM F. WHARTON.

[Inclosure.]

Lake Carriers' Association to Mr. Wharton.

OFFICE OF LAKE CARRIERS' ASSOCIATION,
Buffalo, N. Y., March 11, 1892.

SIR: Answering your request for figures showing the amount of discriminating tolls exacted at the Welland Canal during the season of 1891, I have the following figures covering the traffic reaching the port of Ogdensburg, N. Y., by water, via the Welland Canal, in 1891.

Total tolls paid on all traffic reaching Ogdensburg via Welland Canal in 1891, $55,037.05. Total tolls which would have been exacted on the same traffic had it been consigned to Montreal or any port east of Montreal, provided it had gone through without breaking bulk or been transferred at an intermediate Canadian port, $7,360.94. Amount of toll collected as a discrimination against an American port, $47,676.11.

In addition to the above, tolls to the amount of $5,719.56 were collected on grain which reached Ogdensburg via the Welland Canal, was there transferred and forwarded to Montreal. This grain paid full Welland Canal tolls of 20 cents a ton, without getting the refund. It was also refused the pass tickets ordinarily given at the Welland Canal on traffic bound through the St. Lawrence canals, which tickets permit free passage through the St. Lawrence Canals. The grain in question not only paid full toll at the Welland, but was obliged to pay full toll through the St. Lawrence Canals also.

Total discrimination against Ogdensburg traffic for 1891, $53,395.67.

I notice several newspaper items of late purporting to come from Ottawa, Ontario, to the effect that the Canadian government is to make some concessions in toll matters. These dispatches indicate, however, that the only concessions which the authorities have in mind is with regard to the ports of transfer. You will remember that last year the refund on grain cargoes passing through the Welland Canal and transferred to river barges for Montreal at some intermediate points, was only allowed in case transshipment took place at a Canadian port, and was refused where such transshipment took place at an American port, like Ogdensburg. The press dispatches indicate that the Canadian authorities will this year permit the refund on Montreal traffic, even though the transshipment takes place at an American port. Doubtless this will be of some benefit to Ogdensburg, but it will leave untouched the principal point at issue, which concerns the right of the Canadian authorities to refund nine-tenths of the cargo tolls on Montreal traffic, while no refund is made in the case of traffic of the same character passing through the canal in the same direction, and bound for an American port or route of export.

Yours, very respectfully,

C. H. KEEP,
Secretary Lake Carriers' Association.

Sir Julian Pauncefote to Mr. Wharton.

BRITISH LEGATION,
Washington, March 21, 1892.

SIR: With reference to your note of the 17th of March, inclosing a letter from the Lake Carriers' Association on the subject of discrim-

inating tolls in the Canadian canals, I have the honor to inform you that I have transmitted a copy of your note and of its inclosure to the governor-general of Canada.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, April 15, 1892.

SIR: Referring to your note of the 25th of November last, relative to certain alleged hardships suffered by the owners or agents of British vessels arriving at the port of Boston with immigrants, I have the honor to inclose a copy of a letter from the Acting Secretary of the Treasury which sets forth the circumstances connected with the matter in question, and states that the whole subject is now under consideration.

I have, etc.,

JAMES G. BLAINE.

[Inclosure.]

Mr. Spaulding to Mr. Blaine.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 9, 1892. (Received April 11).

SIR: For further reference to the matters treated in your communications of the 4th ultimo, the 10th ultimo, and the 30th of October last, to wit: "Certain alleged hardships suffered by the owners or agents of foreign steamship lines, whose vessels arrived at the port of Boston bringing immigrants," which subject was called to your attention in a communication from the British minister at this Capital, dated the 25th of October last, I now have the honor to inclose herewith copy of a communication from the United States commissioner of immigration at the port of Boston, which fully sets forth all the circumstances connected with the matter in question.

It is proper to add that the whole subject of the rights and duties of the owners and agents of steamships engaged in bringing immigrants to ports of the United States, so far as concerns the custody and maintenance of immigrants who are temporarily detained at such ports for any reason, is now under consideration by the Department, and when a conclusion is reached the result will be communicated to you for transmission to the British minister.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

[Inclosure in inclosure.]

Mr. Wrightington to Mr. Nettleton.

OFFICE OF UNITED STATES COMMISSIONER OF IMMIGRATION,
Boston, Mass., March 19, 1892.

DEAR SIR: Your communication, under date of the 16th instant, with the inclosures concerning certain alleged hardships suffered by the owners or agents of foreign steamship lines, whose vessels arrive at the port of Boston, bringing immigrants, with particular reference to the case of Mary Kelly and her four children, whose *landing was* debarred from the steamship *Roman*, and the escape therefrom of said *Mary Kelly*, came to hand on the 18th instant.

I herewith inclose copies of the correspondence between this office and the bureau of immigration concerning the case, and answer somewhat in detail the questions raised in your communication.

Superintendent Owen's letter of August 25 is supposed to be that referred to in his communication of October 9, and is therefore annexed thereto.

Premising that the alien immigrants here arriving by the Warren line of steamships are mentally and physically inferior to those here arriving by other European lines, perhaps because of reduced rates of passage, with the further premise that the attitudes of the agents and officers of this line towards the inspection officers of the United States, and their allusions to the statutes governing them and us, are in marked contrast to the gentlemanly bearing and respectful reference of other agents and officers, I proceed to restate this special case.

The steamship *Roman* of the Warren line, arrived at this port Wednesday, September 16, having on board, among other passengers, Mary Kelly and her four children. After a careful examination of such passengers it was decided that the Kellys were "persons likely to become a public charge" and therefore belonged to one of the classes of aliens excluded from admission into the United States by the provisions of the act of 1891, by reason that they had been in receipt of public aid while at home, and at a time when the husband and father, who now professed to be able to properly provide for them, had been supported at the expense of the United States, with the further reason that their passage to America had been prepaid, and it did not appear from what source the money for the purchase had been obtained.

On the Thursday or Friday following the *Roman's* arrival, Mr. Kelly, who had been previously notified, put in an appearance and was informed that his family would not be permitted to land except upon his furnishing a bond in the penal sum of $2,500, conditioned that no member of the family should at any time thereafter become a public charge, but that he was privileged to appeal from this decision to the Department at Washington. Upon his request for further time in which to take advice of counsel and friends he was informed that the Monday following would be the latest that could be allowed for the purpose. The steamer's day of return being Tuesday, and that in default of bond and notice of appeal his family would be returned. Mr. Kelly made no suggestion touching the removal of his family pending his deliberation, although he was informed that they would be removed if he decided on an appeal. He visited them several times while they were on board the steamer and never once suggested that their detention thereon was an act of inhumanity; indeed, I am certain that they were far more comfortable on the steamer while she lay at the dock than they had been on the passage over when herded with some hundred others, or would have been had they then returned on the steamer, loaded, as she was, with cattle. That such detention was an inconvenience to the ship's officers, I grant, and some inconvenience usually and usefully attends infraction of law and often serves as a reminder of duty to be performed. The escape of Mrs. Kelly was through the criminal negligence of the ship's officers. The ship was at its dock, where the presence of a woman must have attracted the attention of every man in the employ of Messrs. Warren, and her departure therefrom must have been witnessed by scores. The first notice received of the elopement was late in the afternoon of Monday, it having occurred about 2:30 p. m. of that day. The collector of the port was notified as well as the United States district attorney. The steamer's agents were required to give security sufficient to meet any fine that might be imposed for the offense; the children were removed to the State primary school awaiting further developments, and the case for the time closed. (See letters marked A and B, sent Superintendent Owen, and his answer, marked C.)

Prior to the receipt of your communication I had construed the provisions of the act of 1891 in its eighth section as permitting the inspection officer to "order a temporary removal of such aliens for examination" and to "detain them until a thorough inspection is made." Further that "such removal shall not be considered a landing during the pending of such examination." I had also construed the provision relating to housing and feeding as referring only to those undergoing inspection, and such as were "delayed in proceeding to their destination after inspection." I had not supposed that this last-named clause applied to an alien whose inspection was finished and whose return had been ordered. Where great hardships would otherwise ensue, as in case of sickness or of children unaccompanied with parents, or where serious difficulty was found in their detention, as in the case of stowaways, I had acted in accordance with the authority conferred on the State board of lunacy and charity by Secretary Fairchild in his communication of January 18, 1888, but it did not appear to me that the Kelly case could be properly included within this authorization or the beneficent provision of the act of 1891.

No further proceedings were had in this case until October 7, when, the Messrs. Warren having succeeded in locating Mrs. Kelly, I met Mr. Fred. Warren and Assistant District Attorney Wyman, District Attorney Allen being temporarily absent, by appointment, at the office of United States Commissioner Hallett. After a care-

ful examination of the law and a protracted consultation with Mr. Wyman the commissioner declined to authorize Mrs. Kelly's arrest, and advised me to do nothing in connection therewith without instructions from the Department, whereupon, on the suggestion of Mr. Wyman, I sent the superintendent of immigration the communication marked D and received from him the communication marked E, which clearly did not authorize me to arrest and return Mrs. Kelly.

On November 16 Mr. Warren was brought before Commissioner Hallett for a violation of the act of 1891, and Mary Kelly, in default of bond, was committed to Suffolk jail as a witness. This was understood to have been done in the interest of the Messrs. Warren in order to obtain legal custody of Mrs. Kelly preparatory to her return.

On the 18th of November I wrote Superintendent Owen the letter marked F and received in reply the letter marked G. On the 23d of November Messrs. Warren notified that a steamer of their line would sail the following day and that they desired to return the children on the steamer. I protested against the children's return except in charge of the mother, and in order to the removal of their objection to further delay, the mother being still in custody of the court, I gave a personal guaranty that the Warren Line should not be required to pay for the further keeping of the children, and consequently from that date until their return, December 19, the expense of the children's maintenance was borne by this Commonwealth.

November 28 a new element appeared in the case: Henry C. Mulligan, attorney-at-law, informed me that he had forwarded an appeal to Washington in the Kelly case, whereupon the letter marked H was forwarded the superintendent of immigration, and the reply (marked I) was received. The communication marked K followed later, and a response thereto was received December 9, which is marked L, and which closed the correspondence. Mary Kelly and her children were returned to England, the husband and father accompanying them, at his own expense, on the steamer sailing December 22.

Referring to the latter part of your communication as to our "facilities for taking charge of these people on shore," I would say that the State board of lunacy and charity can furnish hospitals for the sick and insane, almshouse for adult paupers, a primary school for children, and the city of Boston has allowed the use of one of its police stations for stowaways and other vicious characters. Of course these establishments are scattered over the State, and some expense would be entailed in the removal of the people to the institutions named, and would perhaps require additional assistance in such supervision at this port. This expense would, of course, eventually fall upon the steamship companies, but nevertheless would primarily be a charge to the Treasury. True, these facilities are not of the character that are found in New York, and a single establishment owned and controlled by the department as at Ellis Island would be preferable, but I can not think so great an expense at this port would be justifiable.

Respectfully,

S. C. WRIGHTINGTON,
Commissioner.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 2, 1892.

SIR: Referring to your note of the 8th of March last, asking a reconsideration by the Treasury Department of its decision in relation to the admission of commuted pensioners who may desire to emigrate to this country from Great Britain, I have the honor to inform you that, having submitted a copy of your note to the Secretary of the Treasury, I have received a letter from him in which he states that—

No discrimination will be made against a commuted pensioner as such. The mere fact that the immigrant is a commuted pensioner will not exclude him, but he will not be permitted to land if in addition it appears that the amount of money resulting from such commutation of pension is not sufficient to preserve the immigrant from becoming a public charge for any considerable length of time, if he is otherwise unable or unwilling to earn a livelihood. The law expressly excludes all idiots, insane persons, paupers or persons likely to become a public charge, persons suffering from a loathsome or a dangerous contagious disease, persons who have

been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, polygamists, and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is shown that such person does not belong to one of these excluded classes.

I have, etc.,

JAMES G. BLAINE.

Mr. Blaine to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, May 23, 1892.

SIR: I have the honor to advert to the minute that was agreed to at the time of the visit of the Canadian commissioners to this Capital in October last, concerning the reciprocal privilege in wrecking, in case the Canadian parliament should pass an act similar to our own. [See act of Congress, approved May 24, 1890, vol. 26, United States Statutes at Large, p. 120, entitled, "An act to amend an act to aid vessels wrecked or disabled in the waters co-terminous to the United States and the Dominion of Canada, approved June 19, 1878."]

It is understood that a bill, entitled "An act respecting aid by United States wreckers in Canadian waters," was lately introduced in the Canadian parliament, and that it has actually been assented to by the governor-general.

If the Department's information is correct, I shall be glad to receive a certified copy of the law, with two or three additional pamphlet copies thereof, for communication to the President and the Secretary of the Treasury.

I have, etc.,

JAMES G. BLAINE.

Sir Julian Pauncefote to Mr. Blaine.

BRITISH LEGATION,
Washington, June 1, 1892. (Received June 1.)

DEAR MR. BLAINE: With reference to the proposal that a member of the Canadian government should come to Washington to discuss the question of the alleged discrimination against American citizens in the system of tolls levied in the Welland Canal, I beg to inform you that I received last night a telegram from Lord Stanley to the effect that the Hon. Mr. Bowell and the Hon. Mr. Foster, who visited Washington last February as delegates to the informal conference which we then held, will leave Ottawa to-morrow, the 2d instant, for Washington for the purpose above stated.

I should be much obliged if you would be good enough to make an appointment to receive them on the following day, Friday, June 3.

Lord Stanley adds in his telegram that it is very difficult for ministers to be absent from Ottawa during the session, and that the Canadian government only sends them now earnestly endeavoring to adjust canal difficulties.

I remain yours, etc.,

JULIAN PAUNCEFOTE.

Memorandum.

DEPARTMENT OF STATE,
Washington, June 18, 1892.

Mr. Michael Herbert called upon me this morning to say that he had received from Ottawa the promised reply in regard to the discriminating tolls in the Welland and St. Lawrence River canals.

The Canadian commissioners on the occasion of their recent visit to Washington had promised immediately upon their return to Ottawa to consider the withdrawal of the objectionable rebate, and to make a proposal in regard to the terms of such withdrawal. They had kept their promise by sending the reply at once.

Mr. Herbert was not able to communicate the Canadian reply to this Government without Lord Salisbury's sanction. This he had telegraphed for, and expected to be authorized to communicate it without delay.

Meanwhile, he might with propriety say to Mr. Adee that the Canadian proposal is silent as to the favor of navigating the Hudson River, which had been suggested to Mr. Blaine on their recent visit and been promptly declined by him. It, however, introduces a new proposition. Briefly, the Canadians proposed that the discriminating rebate should be abandoned, if the United States should agree to maintain the *status quo* as to the free and equal use of the Sault Ste. Marie Canal, and should, in addition, restore article 30 of the treaty of Washington.

Mr. Herbert suggested that the President be informed that the Canadian reply had been received.

Mr. Adee said that time was pressing and left scant room for delay in the communication of the Canadian reply, if it was to be considered by us. He would advise the President of the fact that the reply had reached the British legation, and only awaited Lord Salisbury's sanction to be communicated.

ALVEY A. ADEE.

Mr. Herbert to Mr. Wharton.

BRITISH LEGATION,
Washington, June 24, 1892.

SIR: I have the honor to inform you that Sir Julian Pauncefote duly forwarded to the governor-general of Canada copies of your notes of the 10th October, 1891, and of the 17th of March, 1892, inclosing memorials from the Lake Carriers' Association of Buffalo, complaining of alleged discrimination on the part of the Canadian Government against citizens of the United States in the use of the Welland Canal, and I have now received a communication from his excellency in reply, containing the following observations which the Government of the Dominion desire to submit thereon.

The Canadian Government have carefully examined the statements made in the two memorials from Mr. Keep, the Secretary of the Lake Carriers' Association, and they have been found to be in many respects inaccurate as to figures, as well as inconclusive in the deductions drawn from them.

His assertion that, during the season of 1891, Canadian canal tolls were levied discriminating against the port of Ogdensburg, to the aggregate amount of $53,395.67, would appear to be widely erroneous.

He states that, on the total freight shipped via Canadian canals in 1891 to Ogdensburg, the tolls paid were $55,037.05. By the official canal returns, it appears that the total freight passing through the Welland Canal in 1891 to Ogdensburg was really 272,947 tons, and tolls paid were $53,444.37. But, of the total canal freight so discharged at Ogdensburg, the classes of grain specified by the order in council, namely, wheat, Indian corn, pease, barley, rye, oats, flaxseed, and buckwheat amounted to only 191,607 tons, and the tolls paid on the same to $38,321.40, and these are the only articles of freight which, when shipped to Montreal, come within the purview of the order in council for rebate of toll. The difference between the amount of tolls on goods subject to rebate, and the full amount of tolls, is therefore $34,489.26, instead of $53,395.67, as stated by Mr. Keep. Of the amount of grain of the character subject to rebate passed as above through the Welland Canal to Ogdensburg, 17,817 tons were transshipped at that port to Montreal. The rebate on this quantity, if allowed, would have been $3,207, and this sum constitutes the sole difference in tolls between the two routes, and the only amount in respect of which any discrimination could be claimed to exist. The remainder of the 191,607 tons passed into the Eastern States.

On freight other than the designated products, discharged at Ogdensburg in 1891, full canal tolls were paid and would have been levied on Canadian vessels in Canadian waters, with no refund or abatement of any kind, Canadian and United States vessels being precisely on a par in that respect.

The Canadian Government can not attach any weight to the pretensions of Mr. Keep that there is inequality in the use of the canals between Canadians and Americans, on the ground that the tolls for the use of the canals going westward are 20 cents per ton, while those for the use of the canals going eastward are only 10 cents per ton.

Except as regards the grain products already discussed, he does not assert that there is any difference in respect of the amount of these tolls between Canadian and American vessels going eastward or westward respectively, nor that the destination of the cargoes eastward or westward in any way affects the tolls paid. Canadian and American vessels pay the same toll for passing through the canals in the same direction, and are entirely unrestricted in respect of such tolls by their destination or by any other extraneous circumstances.

By the order in council of April 4th last, it was provided that a refund of 18 cents per ton should be made for a portion of the canal tolls, which were fixed at 20 cents per ton upon freight of all kinds, collected on the designated products carried through the Welland Canal and the St. Lawrence Canal to Montreal, or any port east of Montreal, in all cases where these products were exported, and in such cases only. The same order stipulated that products on which the rebate could be claimed should be shown to have been originally shipped for Montreal or some port east of Montreal, and should be carried to such point and actually sent out of the country, with the proviso that the right to this rebate should not be lost by reason of intermediate transshipment, if the place of such transshipment be within the Dominion of Canada. As regards all other freights passing through the canals, there is no rebate, whatever may be its destination.

The effect of this order in council is to fix the rate of toll on all of the specified products passing through the Welland Canal and the St. Lawrence canals without distinction as to nationality. Vessels of both countries are entitled to the rebate and also to transship, provided that

such transshipment be made at a Canadian port. If, however, the transshipment takes place at an American port, the vessel loses its right to the rebate. And the loss of rebate would apply equally to both Canadian and American vessels. In like manner the vessels of neither country would obtain rebate should they land at a port short of Montreal, either on the American or Canadian side.

Under the provisions of the order in council it is evident that the Canadian government allow the use of their canals both to their own vessels and to those of the United States upon such conditions as to influence a certain class of the traffic to pass down the St. Lawrence to Montreal; but in the inducement thus held out there is no distinction made as respects the payment for the use of their canals between the vessels of the United States and their own. In favoring their national route the Canadian government do so on precisely the same conditions with regard to both nations, and they contend therefore that they have acted in accordance with the obligations which Great Britain has requested them to take under article 27 of the Treaty of Washington. The stipulation in that article is that United States citizens shall use the Canadian canals on terms of equality with the people of the Dominion; and this equality is, in the opinion of the Canadian government, preserved by the imposition of the same conditions, and the granting of the same privileges, with the same restrictions to vessels of both nationalities.

By the thirtieth article of the Treaty of Washington it was agreed that British subjects might carry in British vessels without payment of duty goods, wares, or merchandise, from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the aforesaid territory of the United States; provided that a portion of such transshipment should be made through Canada by land carriage and in bond; and a privilege exactly corresponding, *mutatis mutandis*, was by the same article granted to the citizens of the United States with respect to goods, wares, or merchandise carried from one point in Canada across the territory of the United States to another point in Canada. By the same article it was agreed that the United States might suspend the right of carrying, so granted to British subjects, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the Dominion on terms of equality with the Canadians. In the authorized protocol to the conference between the British and United States high commissioners with regard to the thirtieth article of the Treaty of Washington it is stated as follows:

> That they desired and it was agreed that the transshipment arrangement should be made dependent upon the nonexistence of discriminating tolls or regulations of the Canadian canals, and also upon the abolition of the New Brunswick export duty on American lumber intended for the United States.

The Canadian government immediately took means to relieve American lumber from export duty in New Brunswick at a cost of $150,000 per annum, thus completing the conditions required to retain article 30 in force. It is accordingly evident that from the language of the thirtieth article of the treaty, supplemented by the protocol of the conference on that article, the remedy which the United States reserved to themselves in the event of Canada depriving the citizens of the United States of the use of the canals on terms of equality with her own people, was provided for by that article and was long ago resorted to by the United States.

By joint resolution of the Senate and House of Representatives, passed on the 3d of March, 1883, it was determined to give notice to Canada of the termination of the thirtieth article of the Treaty of Washington at the end of two years.

On the 2d and 24th of July, 1885, under orders issued by Secretary Manning, based upon the notice given, the privilege of carrying traffic duty free from one point in the United States to another point in the same territory across an intervening portion of Canadian territory was finally withdrawn from Canadian vessels, thus exacting from Canada the penalty for discrimination in the use of the canals, although no inequality really existed. This privilege has not been enjoyed by Canada since the 2d of July, 1885, though hitherto the Canadian government have abstained from taking any steps towards preventing the continuance to the United States of the corresponding privilege provided for by the thirtieth article of the treaty.

While therefore the Canadian government are unable to admit that any discrimination in the use of the Canadian canals is made against United States vessels by the terms of the order in council, they maintain that even if the fact that transshipment is confined to a Canadian port could be construed as constituting, such discrimination, the penalty agreed upon between the United States and Great Britain, in such an event, has already been exacted by the United States.

The government of the Dominion are nevertheless, as heretofore, desirous of maintaining friendly relations with the United States, and are willing to meet their views so far as is consistent with their position and with the interests of their people. They believe that the conditions of the Treaty of Washington in respect of international trade were eminently calculated to preserve such amicable relations between the countries, and in their opinion the most satisfactory way of meeting the present difficulty would be to revert in some degree to the terms of that treaty, in so far as they relate to the question under discussion. With a view to the furtherance of a good understanding on these points, they would be disposed to enter into an arrangement such as the following:

That, as regards the navigation of the Welland and St. Lawrence canals, the imposition of tolls, and the granting of rebates thereon, the same treatment will be accorded to citizens of the United States as is given to the subjects of Her Britannic Majesty without regard to ports of transshipment or export, and that the United States will continue to deal in like manner with the subjects of Her Britannic Majesty in the use of the existing Sault Ste. Marie Canal. That the provisions of article 30 of the Treaty of Washington granting carrying powers to vessels belonging to the subjects of Her Britannic Majesty, as described in that article, be restored.

In conclusion, I venture to express the hope that this proposal, which I am instructed by the Marquis of Salisbury to submit to your Government, will be received by them in the same friendly spirit in which it is made, and that it will be found to provide an amicable and satisfactory solution of the question at issue between the two countries.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant.

MICHAEL H. HERBERT.

Memorandum.

DEPARTMENT OF STATE,
Washington, June 28, 1892.

The reply of the Canadian government, as communicated by direction of Lord Salisbury, in Mr. Herbert's note of June 24, only deals with the statements in regard to discriminating tolls in the Welland and St. Lawrence River canals, presented in the memorials of the Lake Carriers' Association, which accompanied the Department's notes to Sir Julian Pauncefote, of October 10, 1891, and March 17, 1892.

The report prepared by Mr. Partridge, and which accompanied the President's message of June 18, deals more methodically with the question of the nature and effect of the discriminations. In that report the discrimination on grain cargoes moving eastward was shown to be threefold—first, that the toll on grain for export from Montreal or Canadian ports east of Montreal, is, by rebate, reduced to 2 cents per ton, while the toll on grain for export from American ports is 20 cents per ton.

As to this the Canadian reply says:

> Under the provisions of the order in council, it is evident that the Canadian government allow the use of their canals both to their own vessels and to those of the United States upon such conditions as to influence a certain class of the traffic to pass down the St. Lawrence to Montreal; but in the inducement thus held out there is no distinction made as respects the payment for the use of their canals between the vessels of the United States and their own. In favoring their national route the Canadian government do so on precisely the same conditions with regard to both nations, and they contend, therefore, that they have acted in accordance with the obligations which Great Britain has requested them to take under article 27 of the Treaty of Washington.

The order in council does more, however, than favor a national route of transportation—it aims to favor the trade of exportation from the Canadian ports of departure for foreign traffic. The rebates of canal tolls are merely an instrument to favor the export trade from Canadian ports. If the object were to favor the use of the Canadian canals, and that object were carried out impartially, citizens of the United States would have little or no cause to complain. Moreover, the defense of the Canadian government is confined to alleging that no discrimination in fact is made between Canadian and United States vessels carrying the favored cargoes through the canals; when the Treaty of Washington makes the treatment of citizens the sole test of equality in the use of the canals. That the order does favor and is intended to favor the citizens of Canada at the expense of the citizens of the United States is clear, looking at the order as a whole. Were the purpose of fostering the Canadian export trade accomplished by a bounty to the vessels carrying grain cargoes from the St. Lawrence ocean ports, the case might be different; but the purpose is effected by levying differential tolls in and for the use of the Welland and St. Lawrence River canals, so that the encouragement of the export trade is converted into such a discrimination against the enjoyment of the canals by citizens of the United States as the Treaty of Washington expressly aimed to guard against.

Second. Another and more evident discrimination against the American citizen lies in refusing the lesser rate of 2 cents per ton on grain for export from Montreal or ports east of Montreal if it has been transshipped at an American port, while it is allowed if transshipment be effected at a Canadian port.

As to this the Canadian reply merely says, "the loss of rebate would

apply equally to both Canadian and American vessels," thus narrowing the contention to the equal treatment of vessels and ignoring the engagement of the treaty as to the equal treatment of citizens. The reply fails to meet the complaint. Moreover, it is at variance with the allegation elsewhere put forth that the purpose of the order is to encourage the passage of grain cargoes through the canals, for in fact it directly discourages a large traffic which would pass through the Welland Canal if the superior facilities for transshipments afforded by the elevators at Ogdensburg and Oswego were an inducement to send grain cargoes by the Welland route. The order is in this regard a naked discrimination against the American citizen, for the enforcement of which the canal tolls are employed as a convenient instrument.

Third. As to the traffic passing through the St. Lawrence River canals, a third discrimination exists which is in absolute and open violation of the intent of the treaty, for if the starting point of the grain cargo for export be a Canadian Lake Ontario port the toll is but 2 cents per ton, while the 20-cent rate is exacted on grain for the same destination from the American Lake Ontario ports. This is a new discrimination, appearing for the first time in the Canadian order of April 4, 1892, and imposes a differential treatment against American ports and American citizens not existing, or even contemplated as a probability, when the Lake Carriers' Association presented its memorial of September 18, 1891, to which the present note of the British chargé purports to reply. The Canadian argument is, therefore, silent as to this perhaps the most intentionally vexatious discrimination against the stipulated privilege of citizens of the United States to use the Canadian canals "on terms of equality with the inhabitants of the Dominion."

Fourth. A fourth discrimination as regards the system of tolls adopted in the Welland Canal was applied by a Dominion order of April 11, 1890, regulating the tolls on coal. By that order the toll on coal passing down the canal, eastward bound, was reduced from 20 cents to 10 cents per ton, but the full toll of 20 cents per ton was left on coal bound up the canal, westward. The memorial fully exhibits the discriminatory effect of this difference between eastward and westward rates, showing that the down-rate of 10 cents applied in 1890 to 22,781 tons of coal carried in Canadian vessels to Canadian ports, and to only 615 tons carried in an American vessel to an American port. Of the coal carried up the canal and compelled to pay a toll of 20 cents, 116,616 tons were carried between ports of the United States, 17,280 from a United States to a Canadian port, and 80 tons only between Canadian ports. This adroit manipulation of the tolls operates to tax the commerce of American citizens much more heavily than that of Canadians, and goes far to explain the statement "that of the total cargo tonnage of the Welland Canal during the year 1890, 57 per cent destined for American ports paid more than 72 per cent of the tolls; and 43 per cent destined for Canadian ports paid less than 28 per cent of the tolls."

This statement, supported as it is by Canadian official statistics, is dismissed by the Canadian reply as follows:

The Canadian Government can not attach any weight to the pretensions of Mr. Keep that there is inequality in the use of the canals between Canadians and Americans on the ground that the tolls for the use of the canals going westward "are 20 cents per ton, while those for the use of the canal going eastward are only 10 cents per ton. Except as regards the grain products already discussed, he does not assert that there is any difference in respect of the amount of these tolls between Canadian and American vessels going eastward or westward, respectively, nor that the destination of the cargoes eastward or westward in any way affects the tolls paid. Cana-

dian and American vessels pay the same toll for passing through the canal in the same direction, and are entirely unrestricted in respect of such tolls by their destination or by any other extraneous circumstances."

Here again, as throughout the note, the language of the treaty as to the equal treatment of the citizens of the two countries in their enjoyment of the facility of coastwise transit is lost sight of and a defensive argument is based on the circumstances that no differential toll is imposed on the vessels of either party.

Of the four classes of discrimination existing under the differential system of tolls and the differential regulations as to points of origin and transshipment, the Canadian reply deals with three, and with those only, by denying that any differential rules are applied to the disfavor of American vessels.

The Canadian reply disputes the accuracy of the figures given in the memorial of the Lake Carriers' Association respecting the levy of tolls to the aggregate amount of $53,395.67 in discrimination against the freight shipped by Canadian canals in 1891 to Ogdensburg. By confining the examination to the grain stuffs actually transshipped at Ogdensburg to Montreal after having come through the Welland Canal, which in 1891 amounted to 17,817 tons, the Canadian reply concludes that—

The rebate on this quantity, if allowed, would have been $3,207, and this sum constitutes the sole difference in tolls between the two routes, and the only amount in respect of which any discrimination could be claimed to exist.

There is no suggestion that the reduction of the Montreal-bound transshipments at Ogdensburg to the paltry figure of 17,817 tons may not have been the direct result of the discrimination complained of; and had the result of the order been altogether prohibitory and no transshipments of grain for Montreal been effected at Ogdensburg, it may be inferred that the Canadian government would have found therein evidence that no "difference" whatever exists "in tolls between the two routes."

Quitting the defensive argument in support of the contention that no discriminating treatment results from the system of tolls adopted in the Canadian canals, the reply of the Dominion goes on to propose a compromise agreement, as follows:

That, as regards the navigation of the Welland and St. Lawrence canals, the imposition of tolls, and the granting of rebate thereon, the same treatment will be accorded to citizens of the United States as is given to the subjects of Her Britannic Majesty without regard to ports of transshipment or export, and that the United States will continue to deal in like manner with the subjects of Her Britannic Majesty in the use of the existing Sault Ste. Marie Canal. That the provisions of article 30 of the Treaty of Washington, granting carrying powers to vessels belonging to subjects of Her Britannic Majesty, as described in that article, be restored.

The thirtieth article of the treaty of Washington reads as follows:

ARTICLE XXX. It is agreed that for the terms of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise, from one port or place within the territory of the United States upon the St. Lawrence, the Great Lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise, from one port or place within the possessions of Her Britannic Majesty in North America, to another port or place within the said possessions: *Provided*, That a portion of such transportation is made through the territory of the United States by land carriage and in bond,

under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend during the period that such duties are imposed the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

With regard to the last clause of this article, giving to the United States the power to suspend the carrying rights of Canadians in the United States in the event of Canada's denying equal treatment to American citizens in the use of the Dominion canals, the Canadian reply quotes from the authorized protocol of the high commissioners—

That they desired and it was agreed that the transshipment arrangement should be made dependent upon the nonexistence of discriminating tolls or regulations of the Canadian canals and also upon the abolition of the New Brunswick export duty on American lumber intended for the United States. (For. Rels., 1871, p. 514.)

And proceeds to argue that—

It is accordingly evident that from the language of the thirtieth article of the treaty, supplemented by the protocol of the conference on that article, the remedy which the United States reserved to themselves in the event of Canada depriving the citizens of the United States of the use of the canals on terms of equality with her own people, was provided for by that article and was long ago resorted to by the United States [through the termination of the article in question in July, 1885, by two years' notice given by the United States in 1883], thus exacting from Canada the penalty for discrimination in the use of the canals, although no inequality really existed. * * * While, therefore, the Canadian government are unable to admit that any discrimination in the use of the Canadian canals is made against United States vessels by the terms of the order in council, they maintain that, even if the fact that transshipment is confined to a Canadian port could be construed as constituting such a discrimination, the penalty agreed upon between the United States and Great Britain, in such an event, has already been exacted by the United States.

Article XXX was one of several regulating the fishing privileges and certain phases of the intercourse of the United States and Canada which were incorporated into the treaty of Washington, and to which a duration was assigned of ten years certain and thereafter until two years' notice of their termination should be given by either party, as provided in the thirty-third article of the treaty, as follows:

ARTICLE XXXIII. The foregoing Articles XVIII to XXV inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the legislature of Prince Edward Island, on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

The language of the protocol of the conference, quoted in the Canadian reply, may be rightly taken as representing the judgment of the high commission that an engagement binding the United States to grant a privilege to Canada for a term of years was not equitably correlative with the reciprocal qualified privilege granted by Canada in

respect of the Dominion canals, which in terms was dependent upon the pleasure of Canada, and liable to be terminated at any time by adverse legislation or regulation. The meaning of the concluding proviso of Article XXX is clearly that in the event of the privileges of equal enjoyment of the Dominion canals by citizens of the United States being withdrawn or curtailed, the United States might retaliate by forthwith suspending the reciprocal transit privilege under Article XXX, even though the period fixed for the duration thereof should not have elapsed. Thus, had discriminating measures been adopted in respect to the Canadian canals at any time during the ten years' life of the article, or during the two years succeeding notice given of its termination, the United States could have at once suspended the transit privileges granted to Canadians within the territory of the United States.

This right of suspension was a mere incident of the peculiar relations of transit and intercourse created by Articles XXVII and XXX of the treaty of Washington, and is wholly different, both in intent and in effect, from the right of termination given in regard to those and sundry other articles by the thirty-third article of the treaty. The right of suspension could be exercised for cause by the United States alone, the case arising. The right of abrogation was common to both governments, to be exercised by either at its pleasure after a defined term should have elapsed, if in its judgment the continuance of the relations created by those articles should be found inexpedient. Like all engagements of intercourse and reciprocity, the articles in question were tentative, and their continuance, after a certain time, was to be dependent on their continuing to work in a manner satisfactory to each of the contracting parties. The United States, for considerations of domestic convenience, saw fit to exercise the right of abrogation at the earliest possible date permitting by the terms of the treaty. It is irrelevant to associate this exercise of an ordinary right of termination common to all treaties of commercial intercourse with the idea of a penalty for a shortcoming as yet nonexistent on the part of the other contracting party.

The Canadian argument appears to regard the authorized and normal termination of Article XXX as operating indefinitely and for all future time to exhaust the power of penalty and retaliation for any failure of Canada to fulfill the intended engagement of equality in the use of her canals. The mere statement of this proposition suffices to demonstrate its untenableness.

The proposition to secure, for Canadian citizens and products, some additional privilege of transit within the United States, as an offset or pretended equivalent for the enjoyment by Americans of the facilities of the Dominion canals on an identical footing of equality with Canadians, is not new. It was incidentally suggested in the conferences held on the 3rd and 4th of June, 1892, between the Secretary of State and the Canadian Commissioners, but was dismissed without consideration. It came up also in the same conference in the form of a proposal that the free navigation of the New York State canals and the Hudson River should be granted to Canadians in return for the removal of the discriminating canal tolls of the Dominion, and was again dismissed. It is now presented anew in its original form.

Regarded as a whole, the Canadian reply fails to meet the just complaints of the United States. It narrows the issue to the treatment of American and Canadian vessels in respect to tolls in the Welland and St. Lawrence canals, and to the denial of rebate to cargoes of grain stuffs actually transshipped in an American port for export from Mon-

treal, or a port east of that city. It ignores the adroitly devised system by which the traffic of the citizens of the United States is made to contribute a much larger percentage of tolls in the Welland Canal than the traffic of Canadians. And it is altogether silent touching the discrimination introduced into this season's Order in Council withholding the export rebate from cargoes coming from any port on the United States shore of Lake Ontario.

Respectfully submitted.

ALVEY A. ADEE.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, June 30, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant, in regard to the discriminating tolls in the Welland and St. Lawrence canals, and to say that the subject is receiving the Department's consideration.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, July 2, 1892.

SIR: Referring to your note of the 24th ultimo, relative to the complaint of this Government as to the discrimination on the part of the Canadian Government against American citizens in the use of the Welland Canal, and to the Department's reply thereto, of the 30th ultimo, I have the honor to inform you that the papers relating to the subject have been laid before the President, and have been communicated by him to Congress for its consideration.

I have, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, July 4, 1892.

SIR: In the year 1884 the governments of the United States of America, France, Italy, Germany, Austria, Hungary, Russia, and subsequently Hawaii, were invited by Her Majesty's Government to join in concluding an international agreement with a view to prevent the supply of arms, ammunition, intoxicating liquors, and explosive substances to the natives of the Pacific islands.

A general assent was given to the proposal, but in some quarters a desire was expressed for more complete information as to the scope and form of the proposed agreement.

The trade in question is already prohibited to British subjects throughout the western Pacific, and is strictly regulated in the German Possessions in that region.

It has been prohibited under severe penalties in the French colony of New Caledonia, and is strictly regulated in the Navigator's Islands by the provisions of the final act of the Samoan Conference, to which Great Britain, Germany, and the United States are parties.

Nevertheless, Her Majesty's Government continue to receive frequent representations as to the prevalence of this demoralizing traffic; and it is evident that some more general action is required to put a stop to it entirely.

Encouraged by the favorable reception given to their former proposal, Her Majesty's Government have now prepared for the consideration of the Powers interested the draft of an International Declaration prohibiting the supply of the aforesaid articles to natives of the Pacific islands, and providing suitable penalties for any infringement of its provisions.

In accordance with instructions which I have received from the Marquis of Salisbury, I have the honor to inclose five copies of this Declaration, and at the same time to state that Her Majesty's Government hope that it will be given a favorable consideration by the United States Government.

I have, etc.,

MICHAEL H. HERBERT.

Draft international declaration for the protection of natives in the islands of the Pacific Ocean.

A declaration respecting arms, ammunition, explosive substances, and intoxicating liquor, and prohibiting the supply of these articles to natives of the Pacific islands.

1. In this declaration the following words and expressions shall have the meanings here assigned to them, that is to say:

"Subject of the contracting powers" includes a citizen of the French Republic or of the Republic of the United States of America.

"Pacific islands" means and includes any islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one-hundred and twentieth meridian of longitude west and the one-hundred and twentieth meridian of longitude east of Greenwich and not being in the possession or under the protection of any civilized power.

"Native" means any person who is or appears to be a native, not of European or American descent, of some island or place within the limits of this declaration.

"Arms" means every kind of firearm and any part or parts of firearms.

"Ammunition" means every kind of ammunition for firearms and any material for the preparation thereof.

"Explosive substances" means gunpowder, nitroglycerin, dynamite, gun cotton, blasting powder, and every other substance used or manufactured with a view to produce a practical effect by explosion.

"Intoxicating liquor" includes all spirituous compounds and all fermented liquors, and any mixture part whereof is spirituous or which contains fermented liquors, and any mixture or preparation containing any drug capable of producing intoxication.

"Offense" means offense against this declaration.

2. Any subject of the contracting powers who shall give, sell, or otherwise supply, or shall aid or abet the giving, selling, or otherwise supplying to any native any arms, ammunition, explosive substance, or intoxicating liquor [Qy. except under special license from one of the contracting powers] shall be guilty of an offense against this declaration.

3. An offense against this declaration shall be punishable with imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding £10, or both.

In addition to such punishment all articles of a similar nature to those in respect of which an offense has been committed found in the possession of the offender, may

be declared forfeited to the contracting power to whose nation the offender belongs.

4. A person charged with an offense may be apprehended by any commissioned officer of a ship of war of any of the contracting powers, and may be brought for trial before any of the persons hereinafter mentioned.

5. Every person so charged, if difficulty or delay is likely to arise in delivering him over for trial by the authorities of his own country in the Pacific islands, may be tried summarily, either before a magistrate or other judicial officer of any of the contracting powers having jurisdiction to try crimes or offenses in a summary manner, or before the commander of a ship of war of any of the contracting powers.

Any such commander may, if he think fit, associate with himself as assessors any one or more fit persons, being commissioned officers of a ship of war of one of the contracting powers, or other reputable persons, not being natives, who are subjects or citizens of one of the contracting powers, and, either with or without assessors, may hear and determine the case, and if satisfied of the guilt of the person charged, may sentence him to the punishment hereinbefore prescribed.

6. Sentences of imprisonment shall be carried into effect in a Government prison in Fiji or New Caledonia, or in any other place in the Pacific Ocean or in America or Australasia in which a government prison is maintained by one of the contracting powers.

7. All fines, forfeitures, and pecuniary penalties received in respect of this declaration shall be paid over by the person receiving the same to [Qy. H. B. M. high commissioner for the western Pacific] for the benefit of the contracting power from whose subject or citizen the same was received.

8. Each contracting power shall defray the cost of the imprisonment of any of its subjects or citizens, which cost shall be calculated upon the actual cost of maintaining the prisoner with an addition of [*twenty*] per cent as a contribution to the salaries and other expenses of the prison. A certificate under the hand of the governor of the colony, or other chief authority of the place where the prison is situated, shall be conclusive as to the amount to be paid.

An offender shall not be taken to any British colony in Australasia for imprisonment unless the government thereof shall have consented to receive such offenders.

9. It shall not be an offense against this declaration to supply without recompense or remuneration intoxicating liquor to any native upon any urgent necessity and solely for medicinal purposes, but if the person giving such liquor shall be charged with an offense against this declaration it shall rest upon the accused to prove that such urgent necessity existed, and that the liquor was given for medicinal puposes.

10. This declaration shall cease to apply to any of the Pacific islands which may hereafter become part of the dominions or come under the protection of any civilized power; nor shall it apply to the Navigator's or Friendly islands, in both of which groups a government exists which has been recognized as such by more than one of the contracting powers in the negotiation of formal treaties; nor shall it be held to affect any powers conferred upon its own officers by any instrument issued by any of the contracting powers.

11. The contracting powers will severally take measures to procure such legislation as may be necessary to give full effect to this declaration.

12. The present declaration shall be put into force three months after the deposit of the ratifications, and shall remain in force for an indefinite period until the termination of a year from the day upon which it may have been denounced. Such denunciation shall only be effective as regards the country making it, the declaration remaining in full force and effect as regards the other contracting parties.

13. The present declaration shall be ratified, and the ratifications deposited at London as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, July 5, 1892.

SIR: At the conference which was held in Washington in the month of February last between the Canadian delegates and Mr. Blaine and yourself, it was agreed, as you are aware, that the question of reciprocity in wrecking and towing in the waters conterminous to Canada and the United States should be dealt with by legislation on the part of the

Dominion and by instructions from the Treasury Department of the United States to give the act of Congress on this subject such a liberal construction as to include permission for all towing necessary and incidental to wrecking and salvage and the relaxation of customs laws necessary to make the reciprocal arrangement effective.

In accordance with this agreement, an act has been passed by the Parliament of Canada during its present session, and I have now the honor to inclose a certified copy of it for the information of your Government.

I have, etc.,

MICHAEL H. HERBERT.

By his excellency the right honorable Sir Frederick Arthur Stanley, Baron Stanley of Preston, in the county of Lancaster in the peerage of the United Kingdom, Knight Grand Cross of the most honorable Order of the Bath, Governor-General of Canada.

To all to whom these presents shall come, Greeting:

These are to certify that Edouard Joseph Langevin, esquire, whose name is subscribed to the annexed document, is the clerk of the parliaments of the Dominion of Canada, and that full faith and credence are due, and ought to be given, to such signature and act in all places.

Given under my hand and office seal at Ottawa, this eighteenth day of June, in the year of our Lord one thousand, eight hundred and ninety-two, and of Her Majesty's reign, the fifty-fifth.

By command.

STANLEY OF PRESTON.

L. A. CATÉLLIER,
Under Secretary of State.

OFFICE OF THE CLERK OF THE PARLIAMENTS.

I, Edouard Joseph Langévin, clerk of the Parliaments, custodian of the original acts of the legislatures of the late Provinces of Upper and Lower Canada, of the late Province of Canada, and of the Parliament of Canada, certify the subjoined to be a true copy of the original act passed by the Parliament of Canada in the session thereof, held in the fifty-fifth year of Her Majesty's reign, and assented to in Her Majesty's name by the deputy of the Governor-General, on the tenth day of May, one thousand eight hundred and ninety-two, remaining of record in my office.

Given under my hand and seal at the city of Ottawa, Canada, on the eighteenth day of June, one thousand eight hundred and ninety-two.

[SEAL.]

EDOUARD J. LANGÉVIN,
Clerk of the Parliaments.

AN ACT respecting aid by United States wreckers in Canadian waters. Assented to Tuesday, 10th May, 1892.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. United States vessels and wrecking appliances may salve any property wrecked, and may render aid and assistance to any vessels wrecked, disabled, or in distress, in the waters of Canada contiguous to the United States.

2. Aid and assistance include all necessary towing incident thereto.

3. Nothing in the customs or coasting laws of Canada shall restrict the salving operations of such vessels or wrecking appliances.

4. This act shall come into force from and after a date to be named in a proclamation by the Governor-General, which proclamation may be issued when the Governor in council is advised that the privilege of salving any property wrecked and of aiding any vessels wrecked, disabled, or in distress, in United States waters contigu-

ons to Canada, will be extended to Canadian vessels and wrecking appliances to the extent to which such privilege is granted by this act to United States vessels and wrecking appliances.

5. This act shall cease to be in force from and after a date to be named in a proclamation to be issued by the Governor-General to the effect that the said reciprocal privilege has been withdrawn, revoked or rendered inoperative with respect to Canadian vessels or wrecking appliances in United States water contiguous to Canada.

Mr. Adee to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, July 6, 1892.

DEAR MR. HERBERT: Your official note of yesterday has been received relative to reciprocal wrecking and salvage privileges in the waters conterminous to the United States and the Dominion of Canada. The act of Congress of May 24, 1890 (a copy of which I send you) provides that it "shall be construed to apply to the Welland Canal, the canal and improvements of the waters between Lake Erie and Lake Huron and to the waters of the St. Mary's river and canal."

Will you kindly inform me whether the Government of the Dominion construes its act of May 10, 1892, to cover the canals and waters in question so far as they lie within its territory? If it does I see no reason why the necessary proclamations can not be issued at an early date. It would seem to be desirable to provide that the President's proclamation and that of the Governor-General of Canada should be issued simultaneously.

The President is to be away for a few days, but I think it would be possible to issue our proclamation sometime the latter part of next week.

Very sincerely, yours,

ALVEY A. ADEE.

[PUBLIC—No. 131.]

AN ACT to amend an act entitled "An act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada," approved June nineteenth, eighteen hundred and seventy-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to aid vessels wrecked or disabled in the waters conterminous to the United States and the Dominion of Canada," approved June nineteenth, eighteen hundred and seventy-eight, be, and the same is hereby, amended so that the same will read as follows:

"That Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada: *Provided,* That this act shall not take effect until proclamation by the President of the United States that the privilege of aiding American or other vessels and property wrecked, disabled, or in distress in Canadian waters contiguous to the United States has been extended by the Government of the Dominion of Canada to American vessels and wrecking appliances of all descriptions. This act shall be construed to apply to the Welland Canal, the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the St. Mary's River and canal: *And provided further,* That this act shall cease to be in force, from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada."

Approved, May 24, 1890.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, July 9, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant, relative to common wrecking and salvage privileges in the waters conterminous to the United States and the Dominion of Canada. You inclose a certified copy of an act of the Parliament of Canada, assented to May 10, 1892, which is intended to be reciprocal to the act of Congress of May 24, 1890. The latter act, a copy of which is herewith inclosed, provides that it "shall be construed to apply to the Welland Canal, the canal and improvements of the waters between Lake Erie and Lake Huron, and the waters of St. Mary's River and canal." It is presumed that the Canadian act would be construed to have an equal application in so far as the canals and waters in question lie within the Dominion of Canada.

I trust you will be able to give me assurance that the Canadian act will be so construed.

The language of the act of Congress would prevent the issuance of a proclamation by the President before the Governor-General of Canada issues his proclamation, and I would suggest that the two might be issued simultaneously at such early date as may be agreed upon.

When the President's proclamation is issued putting the act of Congress into effect the Secretary of the Treasury will issue instructions that "the aid and assistance provided for in said act includes all necessary towing incident to said aid and assistance, and nothing in the coasting and custom laws restricts the salvage operations of such vessels and their appliances." This is the language of the memorandum which was submitted to the Canadian Commissioners at the conference of February 15, 1892, and is substantially the language of the second and third paragraphs of the Canadian act.

I have, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, July 16, 1892. (Received July 18.)

DEAR Mr. FOSTER: I have received a communication from Sir John Abbott, the prime minister of Canada, in which he informs me that he has learned with surprise and regret, on examination of Mr. Adee's memorandum on the subject of the Welland Canal tolls, which accompanied the President's message to Congress of the 1st instant, that an error occurred in the order in council which was issued in April last in regard to the said tolls.

It was not the intention of the Canadian Government to continue to shippers from Lake Ontario the privilege which was accorded them during the season of 1891 of availing themselves of the rebate on passing through the St. Lawrence canals to Montreal. But if it had been decided to do so United States citizens on the south side of Lake Ontario would have been allowed the same privilege.

Sir John Abbott states that when the draft order in council was being considered, a lengthy discussion took place as to other points con-

tained in it, which diverted attention from the provision as to Lake Ontario shipments, and when that discussion closed, the order in council was passed without noticing that the provision of the order in council of 1891 was continued.

When the Canadian government learned from Mr. Adee's memorandum of the error which had been committed, it was immediately decided to cancel that portion of the order which restricted to Canadian subjects the privilege of obtaining a rebate on the St. Lawrence canals on shipments from Lake Ontario, and to extend that privilege to United States citizens shipping freight from the United States side of the lake. As the simplest mode of dealing with the matter, a new order in council was framed on the 12th instant, copy of which I inclose for your information, amending the order in council of the 4th of April last, and making the amendments operative from that date.

Sir John Abbott points out at the same time that Mr. Adee is in error in stating that the clause as to shipments from Canadian Lake Ontario ports appears for the first time in the order in council of last April, as in reality it was contained in the order of April 29, 1891, of which I also inclose a copy.

In bringing this matter to your notice I am requested to convey to you the regrets of the Canadian government for the mistake which has so unfortunately been committed.

Believe me, etc.

MICHAEL H. HERBERT.

[Inclosure No. 1.]

Order in council.

AT THE GOVERNMENT HOUSE AT OTTAWA,
Wednesday, the 29th day of April, 1891.

Present, his excellency the Governor-General, in council.

His excellency, under the authority conferred upon him by chapter 37 of the Revised Statutes entitled "An act respecting the department of railways and canals," and by and with the advice of the Queen's privy council for Canada, is pleased to order that the provisions of the order in council of the 25th day of March, 1891, authorizing the reduction of toll to 2 cents per ton for the passage through the Welland and St. Lawrence canals of certain agricultural products therein named, shall be, and be understood to apply to any portions of such cargoes lightered at Port Colburne and reshipped at Port Dalhousie, and also that the provisions of the said order be made applicable to the therein-named products when shipped from Canadian Lake Ontario ports.

JOHN J. MCGEE,
Clerk of the Privy Council.

[Inclosure No. 2.]

Amended order in council.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Present, his excellency the Governor-General, in council.

Whereas, by a clause of the order in council of the 4th of April, 1892, respecting the rebate to be allowed on certain food products traversing the Welland and St. Lawrence canals bound for Montreal or some port east of Montreal for exportation, it was provided that the right to such rebate should extend to shipments of the said products made "from any Canadian Lake Ontario port," this provision being taken from the order in council of the 29th April, 1891.

And whereas it was not intended that the restriction in favor of Canadian Lake Ontario ports should be continued;

His Excellency, under the provisions of chapter 37 of the Revised Statutes enti-

tled "An act respecting the department of railways and canals," and by and with the advice of the Queen's privy council for Canada, is pleased to order that the said order in council of the 4th April, 1892, shall be, and the same is hereby, amended by the omission of the word "Canadian" from the clause in question; and that such amendment shall have force and effect from the 4th day of April last.

JOHN J. MCGEE,
Clerk of the Privy Council.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, July 19, 1892.

DEAR MR. HERBERT: I had the pleasure to receive, this morning, your personal note of the 16th instant, announcing the revocation of the Canadian order excluding from the benefit of rebate tolls in the St. Lawrence canals cargoes originating in our Ontarian ports and destined for export from Montreal or a port further eastward. It shall be submitted to the President, with whom and with Congress the present consideration of the subject rests.

Your correction regarding the date of the regulation in question is entirely acceptable, but I do not see that the point is material. Whether originating in 1891 or revived in 1892, the discrimination is gratuitous and not applicable to any observed movement of trade in the channels it professed to discourage. Having been of no practical effect, its removal is likewise, of course, of no practical benefit.

Very truly yours,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, R. I., July 23, 1892.

SIR: I have the honor to inform you that I duly forwarded to the Governor-General of Canada copy of your note of the 9th instant in regard to common wreckage and salvage privileges in the waters conterminous to the Dominion of Canada and the United States, and at the same time calling his excellency's attention to your request for information as to the application of the Canadian wrecking act to the waters specially mentioned by the act of Congress of May 24, 1890, namely: The Welland Canal, the canal and improvement of the waters between Lake Erie and Lake Huron, and the waters of St. Mary's River and Canal.

I have received a telegram from his excellency in reply, in which he states that vessels or goods salved by United States vessels in Canadian waters may be taken through the canals mentioned above in the same way as ordinary vessels or merchandise, but the Canadian wrecking act does not authorize salvage operations by the United States vessels in these canals, as they are not waters contiguous to the United States but are bounded on both sides by Canadian territory.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, July 23, 1892.

DEAR MR. FOSTER: I very much regret the delay in my reply as to the construction of the Canadian wrecking act, which I send you to-day.

I trust, in view of the fact that no wrecks are probable in the canals themselves, that Lord Stanley's telegram, which is embodied in my note, will be found satisfactory.

Yours, very truly,

MICHAEL H. HERBERT.

Memorandum.

At an interview held at the Department of State on Monday, August 1, the Secretary of State informed Mr. Herbert, chargé of the British Legation, that, in view of the passage of the act of Congress relating to the Canadian canal tolls, the President would regard it as his duty to issue, without delay, a proclamation based upon that act, imposing tolls upon products passing through the Sault Ste. Marie Canal destined for Canadian ports, unless an assurance could be received from the Canadian Government, within a few days, that the discriminations now enforced in the Canadian canals against American ports and lines of transportation would be promptly discontinued.

Mr. Herbert answered that a few days' delay would be necessary in order to reassemble the Canadian Cabinet, the majority of whom are now absent from the capital, and he inquired of the Secretary what time would be considered reasonable for this purpose.

The Secretary replied that he thought the cabinet might be conveniently called together and take action within a week or ten days, and that nothing would be done by the President in the matter within that time.

Mr. Herbert said he would communicate immediately with the Governor-General of Canada, by telegraph, and urge prompt action.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, August 2, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 23d ultimo, in which, replying to my inquiry of the 9th of July, you inform me of the receipt of a telegram from the Governor-General of Canada stating that the Canadian wrecking act, assented to May 10 last, does not authorize salvage operations by the United States vessels in the Welland Canal.

The act of Congress approved May 24, 1890, extends wrecking and salvage privileges to Canadian vessels "in the waters of the United States contiguous to the Dominion of Canada," provided like privileges are extended to American vessels "in Canadian waters contiguous to the United States." The canals connected with the navigation

of the Great Lakes being wholly within the territory of one or the other country may not be "contiguous waters" in its strictest sense, but they are plainly incidental to waters that are contiguous and are important parts of the system of waterways constituting the boundary of the two countries, for which reciprocal wrecking and salvage privileges were intended to be provided.

The foregoing act of Congress, therefore, declared that it "shall be construed to apply to the Welland Canal, the canal and improvements of the waters between Lake Erie and Lake Huron, and the waters of the St. Marys River and Canal." But, whether this be a proper construction or is an enlargement of the act, it proceeds upon the same reciprocal basis, and only asks the same privileges in the Welland Canal which it gives in the St. Marys Falls and St. Clair Flats Canals. Whatever may be the practical importance of including these canals in the reciprocal arrangement, the President is as powerless under the act to omit them as he would be to omit one of the Great Lakes. It was this act in its entirety which the Canadian commissioners undertook to meet by reciprocal legislation or regulation on the part of the Government of Canada.

Although the President exceedingly regrets that the consummation of this arrangement, so desirable for both countries, should be in anywise retarded, he is unable to issue his proclamation putting the act of Congress in force until the Canadian Government, by construction of its present act or otherwise, can give him assurance that the wrecking and salvage privileges given by the Dominion of Canada shall apply "to the Welland Canal, the canal and improvements of the waters between Lake Erie and Lake Huron, and to the waters of the St. Mary's River and Canal," in so far as the canals and waters in question lie within the Dominion of Canada.

I have the honor to be, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,

Newport, R. I., August 6, 1892. (Received August 8.)

DEAR MR. FOSTER: I have just received a telegram from Sir John Abbott, the prime minister of the Dominion, in which he informs me that the canal toll question will receive the further consideration of the Canadian Government. The members of the cabinet are, however, scattered all over the country, Sir John himself having only returned two days ago from a fortnight's stay up the Restigouche; and, as so grave a question will necessitate a full meeting of the cabinet, he fears that it will be impossible to arrive at a final decision for a week or ten days longer.

While much regretting this delay, I venture to express the hope that no further action will be taken by the United States Government in the matter, until I shall have received the answer of the Canadian Government.

I am, etc.,

MICHAEL H. HERBERT.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, August 10, 1892.

SIR: Information has reached me that the Canadian Pacific Railway is making contracts to transport Chinese persons from China and deliver them at designated points in the United States for fixed sums, the price named being, for instance, $140 from China to Chicago.

Such action on the part of the Canadian Pacific Railway, I need scarcely observe, makes it well nigh impossible to execute the Federal laws governing the entrance of Chinese persons into the United States; and even in the case of violations of those laws being detected, enormous expense is detailed in deporting the offenders. I am informed that there are at the present time at Detroit alone no less than fourteen Chinamen under detention, who were brought from the Pacific coast and attempted to be introduced into the United States in violation of existing law. It is credibly reported that there are many, probably more than one thousand, Chinamen now at Vancouver awaiting transportation into the United States by Canadian channels.

The policy of the Government of the United States to restrict the coming of Chinese laborers into this country has been made clearly known. The question raised by the difficulties of enforcing that policy throughout a long and unguarded inland frontier has been specifically presented in a kindly spirit to the Government of Her Majesty. Under date of October 22, 1890, Mr. Lincoln was instructed to bring to Lord Salisbury's attention a concurrent resolution of the Senate and House of Representatives inviting negotiation with the Government of Great Britain with a view to securing treaty stipulations for the prevention of the entry of Chinese laborers from the Dominion of Canada contrary to our laws. Mr. Lincoln communicated the proposition November 5, 1890, and his lordship deferred a reply until the views of the Canadian government should be ascertained. On February 11, 1891, Mr. Lincoln renewed the proposition and the Marquis of Salisbury stated that he would at once call the attention of the Canadian Government to it by cable. A response is yet awaited.

This incident serves to show alike the vital importance attached by this Government to the question and the indifference of the Dominion government to the subject.

The present aspects of the matter would seem, however, to overpass the bounds of mere indifference and to indicate the tolerance of a proceeding whose friendliness is open to grave question. When the policy of this country has been proclaimed and enforced by appropriate laws, it can not be deemed a friendly act should a great corporation, amenable in so many respects to the control of a neighboring government, employ its vast power and resources to thwart the purpose of this Government by becoming an organized machinery for the unlawful introduction of Chinese persons into the United States.

The question of preventing the influx of Chinese has heretofore attracted serious attention when the evil was comparatively slight and when the Chinese were often in fact contravening Canadian law or abusing Canadian hospitality in their efforts to gain admission to the United States from that quarter. I should deeply regret if their attempts should find sanction on the part of the Canadian authorities or effective aid from the Canadian Pacific Railway.

The importance of the subject constrains me to request an immediate investigation into the facts and a prompt response befitting the friendly intercourse of the two countries.

I have, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, August 10, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, complaining of the action of the Canadian Pacific Railway in transporting Chinese persons to certain points in the United States, and to inform you at the same time that I have forwarded a copy of this communication to the Governor General of Canada.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Herbert to Mr. Foster.

[Telegram.—Private.]

BRITISH LEGATION,
Newport, August 16, 1892. (Received August 16.)

I am privately informed that order in council was passed Saturday abolishing rebate at end of this season. Immediate change impossible, owing to contracts. Hope to make official communication in a day or two.

HERBERT.

Mr. Foster to Mr. Herbert.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 18, 1892.

When may I expect you here or note on canal tolls?

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

[Telegram.]

BRITISH LEGATION,
Newport, August 18, 1892.

Your telegram of to-day; you will receive a letter to-morrow morning explaining delay. Have telegraphed to inquire what day I may expect communication.

HERBERT.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, August 18, 1892.

DEAR MR. FOSTER: With reference to my private telegram of the 16th instant, I very much fear that I shall not receive the official communication from Canada in regard to the canal tolls until after your departure from Washington on Saturday.

The minute of council has to go through all sorts of formalities in the way of countersigning before it can be sent off, and Lord Stanly being in Quebec some extra delay has been caused.

Would you very kindly, in the event of the communication not reaching me by to-morrow (in which case I would wire you), have a telegram sent me here informing me what day you expect to return to Washington, or, if you prefer it, letting me know where you intend to go, and I might with your permission trespass on your well-earned seclusion.

Yours very truly,

MICHAEL H. HERBERT.

Mr. Herbert to Mr. Foster.

[Telegram].

BRITISH LEGATION,
Newport, R. I., August 19, 1892.

Could I see you to-morrow morning early at Department? Kindly reply on receipt of this in order to enable me to catch train.

HERBERT.

Mr. Foster to Mr. Herbert.

[Telegram].

DEPARTMENT OF STATE,
Washington, August 19, 1892.

You can see me any hour in the morning between 8 and 11.

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

Telegram.]

DEPARTMENT OF STATE,
Washington, August 19, 1892.

Note not received. Your telegram 16th stated decision of council was to abolish rebate at end of this season. This confirmed by United States consul-general at Ottawa and by Canadian press reports.

If Canadian discriminations are to continue during this season, compliance with recent act of Congress requires the President to establish tolls to run concurrently. Discussion as to future action can then proceed under parity of conditions.

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

[Telegram.]

BRITISH LEGATION,
New York, August 20, 1892.

Much regret to say have missed connection, owing to hot box, and can not be in Washington till 2; if not inconvenient to you might I follow you to-morrow or next day?

HERBERT.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, August 20, 1892. (Received August 22.)

SIR: I have the honor to inform you that after an interview on the 1st instant I telegraphed to the governor-general of Canada, in accordance with your request, that, in view of the passage of the Curtis act in regard to the canal tolls, the President would be obliged to take the action authorized by Congress without delay, but that before the proclamation was issued you were anxious to know whether there was a possibility of any reconsideration being given by the Canadian Government to the representations of the United States Government in regard to the Welland Canal tolls. I further informed his excellency that you had stated to me that, if you could receive an assurance within a reasonable time, say a week or ten days, that the question would be reconsidered, the proclamation would be withheld.

On the 6th instant I had the honor to give you the necessary assurance that a further consideration would be given to the question by the Canadian Government; but, as I have already explained to you verbally and by letter, their decision has been unavoidably delayed, owing to the absence of the Governor-General and the Canadian ministers from Ottawa, and I have only just received Lord Stanley's reply.

The Canadian government have carefully considered my communication, and they desire to point out that the United States Government may be unaware that the tolls for the Welland and St. Lawrence canals are of a temporary nature only, and that it is not intended to reëstablish them in their present form after the expiration of the season of 1892.

I have accordingly the honor to inform you that the features of the present tariff, giving preferential treatment to certain routes and ports and providing for transshipment at Canadian ports only, will not be readopted after the present season.

This undertaking, however, would not be binding on the Canadian government if the President of the United States should, in the meanwhile, proclaim and enforce the imposition of tolls on the Sault Ste. Marie Canal, as authorized by the recent act of Congress.

The Canadian government state that grave difficulties present themselves to an alteration of the tariff of tolls during the present season. Contracts and engagements have been entered into in various parts of this country and in Great Britain, based on the continuance of this tariff during the whole of the present season. The rights which have been established under these contracts and engagements can not be interfered with without great confusion and detriment and apparent breach of faith. They believe, therefore, that the United States Gov-

ernment will recognize the importance of the difficulties which stand in the way of an immediate repeal of the present tariff and that the assurance of its termination at the end of the present season will be regarded as satisfactory evidence of the desire of the government of the Dominion to remove any ground which has a tendency to disturb the friendly interchange of trade between the two countries.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Saturday, August 20, 1892.

MY DEAR MR. FOSTER: According to a telegram which I have just received from Canada I shall be able to make the communication in regard to the canal tolls on Monday.

Yours very truly,

MICHAEL H. HERBERT.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, August 24, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, in relation to the question of canal tolls, which has heretofore been the occasion of correspondence and interviews between us.

Upon receiving your assurance of the 6th instant that a further consideration would be given to the question by the Canadian government and the result communicated so soon as certain causes of delay to which you referred should permit, I acquainted the President with the situation. Notwithstanding the mandatory character of the act of July 26, 1892, constraining the President to take action upon ascertaining the existence of the prescribed conditions in the Dominion unfavorable to or discriminatory against the citizens of the United States in their enjoyment of the Canadian canals on an equal footing with British subjects, the President was well disposed to withhold for a reasonable time the issuance of his proclamation, in the hope that the disappearance of those adverse conditions might indefinitely postpone such action on his part. The spirit of neighborly good will which prompted the President to this delay, for which the statute contained no precise warrant, is the more evident when the fact is considered that the season for which the Canadian provisions were prescribed was already far advanced and the movement of grain was at its height, so that each day's delay diminished the effectiveness of the remedy it was his desire to obtain from the sense of justice of the Dominion government.

On the 15th instant the consul-general of the United States communicated by telegraph the official announcement by the Canadian government that the provisions complained of would be retained until the end of the present season, when they were to cease. I remained, however, without any advices from you.

Being well aware of the circumstances to which you invite my attention, that the obnoxious tolls for the Welland and St. Lawrence canals were of a temporary nature, and, with the regulations for their application, did not in terms extend beyond the present season of canal navigation, it became evident to the President that no present effective relief was to be offered on the part of the Dominion, and that the full measure of the discrimination imposed by the Canadian order of 1892 was to be continued unabated during the full life of that order, and inasmuch as the act of Congress prescribed his duty in view of existing conditions and not of conditions which may or may not exist in future years, no recourse remained open to him but to give immediate effect to the statute by issuing his proclamation, which was done on the 20th instant.

Not until after the issuance of the proclamation, and not until one week after the official announcement at Ottawa of the decision reached by the Canadian authorities, did I receive your present note. The information which you now convey to me is that, "the features of the present tariff giving preferential treatment to certain routes and ports and providing for transshipment at Canadian ports only, will not be readopted after the present season," and you add:

> This undertaking, however, would not be binding on the Canadian government if the President of the United States should in the meanwhile proclaim and enforce the imposition of tolls in the Sault Ste. Marie Canal, as authorized by the recent act of Congress.

I am at a loss to understand why the Canadian government should attach such a condition to its proposition. All that is contemplated by the President's proclamation is to establish in the American canal named the same conditions as now exist and have existed in the Canadian canals for years past. Besides, I have already given you the assurance, which I now repeat, that the President's proclamation will remain in force no longer than the discriminations complained of are maintained by the Canadian government.

I may observe that the Canadian proposal embraces two points, the tariff of tolls in the Dominion canals, and the preferential treatment given to certain routes and ports and providing for transshipment at Canadian ports only. With regard to the first point, the declaration is made that it is not intended to reëstablish such tolls "in their present form" after the expiration of the season of 1892, but what future form the tariff of tolls may take is left to conjecture and does not appear to be held subject to any reciprocal understanding. Such an understanding is only suggested with respect to the provisions governing preferential treatment and transshipment, which indeed form our main ground of complaint, and constitute the concrete conditions of disfavor to citizens of the United States, which the President was constrained to examine and act upon.

But this does not constitute our only ground of complaint. The substitution of a more equally balanced arrangement for the present device, whereby 57 per cent of the total American traffic passing through the Welland Canal pays 72 per cent of the tolls, could not fail to give the President unmixed satisfaction.

I lament "that grave difficulties present themselves to an alteration of the tariff of tolls during the present season;" but I beg to remind you that the Government of the United States is not responsible in any degree for these difficulties, and its citizens should not be required to suffer on that account. For several years past the attention of the Canadian government has been called to its violation of article 27 of the treaty

of 1871, and earnest remonstrances on the subject have been addressed to the British legation by my predecessors. In 1888, Mr. Bayard brought the matter to the attention of the Canadian government, but received no response from it. In May, 1891, the United States consul-general addressed the Ottawa government without eliciting any information. Again, in 1891, your legation was addressed upon the subject, without avail, as no reply was made by the Canadian government. And even when the commissioners of that government, embracing three of the members of its cabinet, visited this city and were confronted by Secretary Blaine with the repetition of the complaint of a violation of the treaty of 1871, this personal remonstrance was without effect, as, within a short time thereafter, the objectionable "order in council" of former years was reissued. In view of these repeated remonstrances and protests, if "contracts and engagements have been entered upon * * * which can not be interfered with without great confusion and detriment, and apparent breach of faith," as you inform me, I submit that such a consideration should not be addressed to the Government of the United States, nor should its people be expected to pay the penalty for such contracts. If the Canadian government has seen fit, in the face of the earnest remonstrances of the United States, to pursue the unneighborly course indicated, it should find some way to satisfy the claims of unfulfilled contracts and breach of faith, if any such are well founded, without an appeal to the forbearance of the United States.

Immediately after the conclusion of the treaty of 1871, whose beneficent effects in promoting peace between the two nations have been so conspicuous, the United States took steps to carry out the stipulation of article 27, and without unreasonable delay both the canals of the National and State governments, representing a vast system constructed at very great expense, were thrown open to the use of Canadian commerce without any charge whatever. On the other hand, heavy tolls have continued to be exacted on American commerce passing through the Welland and St. Lawrence canals, and although the absence of reciprocity of treatment was marked, it could not be made a cause of complaint under the treaty so long as the tolls were uniformly exacted from all commerce.

Not until the discrimination against American ports and lines of transportation became so oppressive as to call forth earnest protests from the carriers' associations and boards of trade of the cities of Milwaukee, Chicago, Detroit, Cleveland, Buffalo, Oswego, Ogdensburg, and other lake ports, did the Government of the United States take action. And not until its repeated protests had passed unheeded by the Canadian government was the Congress of the United States appealed to by the President. The unanimity with which Congress clothed the President with power to correct the unjust discrimination must have convinced the Canadian authorities that the complaints of the Government of the United States were regarded by the people of this country as serious and well founded.

In the interview which I had the honor to hold with you on the 1st instant I assured you of the earnest desire of the President to avoid any resort to the powers conferred upon him by the act of Congress, and I exhorted you to exercise your best influence with the Canadian cabinet to bring about a faithful observance of the treaty of 1871 and thus remove the cause of irritation between the two neighboring countries. And when it became known that such desired action was postponed till another season, and the President was thereby constrained to put

the law into operation, his spirit of conciliation led him to exercise the minimum powers conferred upon him by Congress, and merely to establish in one of the canals of the United States the same tolls as are enforced in the canals of Canada, and he has coupled with this lenient action the assurances that the tolls in this one canal will be supended concurrently with the removal of the unjust discriminations maintained by Canada.

I have taken pains to set forth at some length the causes which have compelled the recent action of the President, in order that the Canadian government and people may know that there is every disposition on the part of the government of the United States to maintain and extend the most intimate and friendly commercial relations with our Northern neighbors, bound to us by so many ties of race and community of interest, and I yet cherish the hope, which I have already verbally expressed to you, that before the President's proclamation goes into effect the Canadian government will take such action in the direction of treaty observance as will make the enforcement of that proclamation unnecessary. I am happy to reciprocate, in the name of the President, the desire expressed in your note "to remove any ground which has a tendency to disturb the friendly interchange of trade between the two countries," but I beg to suggest that a persistent violation of treaty stipulations which were framed with an express view to the promotion of "friendly interchange of trade between the two countries" does not tend to that result. Until the Canadian government is prepared to resume its obligations under the treaty there can be found no safe basis of friendly commercial intercourse.

I have, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Adee.

BRITISH LEGATION,
Newport, R. I., August 26, 1892. (Received August 29.)

MY DEAR MR. ADEE: In accordance with the verbal request which you made to me some time ago, I wrote to Canada for the information you required as to the rights of American tugs in the Welland Canal, and I have now received a communication from Mr. Mackenzie Bowell on the subject, from which it appears that American tugs can tow American barges through Canadian canals, but are not allowed to do wrecking in a Canadian canal, and the pulling of a tug "off," if grounded, would, in Mr. Mr. Bowell's opinion, be wrecking.

I inclose a copy of the customs orders in council for your information, and you will find that Nos. 19, 20, and 21 fully embrace the subject.

I am now going to ask you in return for some information in regard to the traffic passing through the Sault Ste. Marie Canal, if you could kindly obtain it for me.

The points I desire information on are:

The quantity of grain and other freight passed through the canal for the season of 1891, month by month.

A. (1) East and west bound—from Canadian to Canadian ports.

(2) From Canadian to United States ports.

(3) From United States to Canadian ports.

B. The quantity passed through during that season in United States vessels from United States to Canadian ports and from Canadian ports to United States ports.

I should be very gratified if you could obtain these statistics for me.

Yours, etc.,

MICHAEL H. HERBERT.

Mr. Adee to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, August 29, 1892.

MY DEAR MR. HERBERT: I am greatly obliged to you for your informal note of the 26th instant, in relation to the rights of American tugs in the Welland Canal; and I have sent to Mr. Foster, who has gone on leave, a copy as explaining the views of Mr. Mackenzie Bowell on the subject.

I am afraid that his contention that the pulling off by a tug of one of her own grounded boats is "wrecking" will not tend to remove the difficulty we have found in the way of issuing the President's proclamation.

I will endeavor to procure for you, as soon as possible, the information you desire in regard to the traffic passing through the Sault Ste. Marie Canal.

Very faithfully yours,

ALVERY A. ADEE.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, R. I., September 1, 1892.

SIR: With reference to my note of the 23d July last, in regard to the construction to be given to the Canadian wrecking act of May 10th, 1892, I have the honor, in accordance with a request which I have received from the Governor General of Canada, to transmit a copy of an order in council, embodying the views of the Canadian minister of justice upon the subject in question.

I have, etc.,

MICHAEL H. HERBERT.

Certified copy of a report of a committee of the honorable privy council, approved by his excellency the governor-general in council on the 16th August, 1892.

The committee of the privy council have had under consideration a dispatch herewith annexed, dated the 6th July, 1892, from the Hon. Michael Herbert, Her Majesty's charge d'affaires, British legation at Washington, inclosing an unofficial note from the Assistant Secretary of State of the United States, in which he inquired whether your excellency's government construes the act passed on the 10th day of May, 1892, entitled "An act respecting aid by United States wreckers in Canadian waters," to apply to the Welland Canal, the canal improvements of the waters between Lake Erie and Lake Huron, and to the waters of the St. Mary's River and canal.

The minister of justice, to whom the matter was referred, states that annexed to the dispatch in question is a copy of the reciprocal act passed by the Congress of the United States and approved by the President. That act gives the same privileges to Canadian vessels in American waters as the Canadian act gives to United

States vessels in Canadian waters, but it provides that "it shall be construed to apply to the Welland Canal, the canal improvements of the waters between Lake Erie and Lake Huron, and to the waters of St. Mary's River and canal."

The minister of justice thinks that the object and intent of this provision are not clear. The words "wrecked, disabled, or in distress" (in their ordinary sense) are not applicable to vessels in canals, and in his view, the waters in the canals mentioned can in no way be deemed "waters of Canada contiguous to the United States," though possibly the approaches to these canals and the waters between lakes Erie and Huron, as well as the waters of St. Mary's River may come within that description.

That if the object be to secure to the United States wrecking vessels the privileges of towing salved ships or wreckage, or of carrying salved merchandise through the canals in question, the minister understands that such privilege would be allowed as to other United States vessels and merchandise, and that citizens of the United States have equal facilities with Her Majesty's subjects in this regard.

The committee, on the recommendation of the minister of justice, advise that in the event of your excellency being informed that the proclamation referred to in the act of Congress will be issued on any day named, a like proclamation under the Canadian act be issued in order that the privilege granted to Canadian and United States wrecking vessels respectively may take effect on the same day.

The committee further advise that your excellency be moved to forward a copy of this minute to Her Majesty's minister at Washington.

JOSEPH POPE,
Assistant Clerk of the Privy Council.

Mr. Herbert of Lord Stanley of Preston.

BRITISH LEGATION,
Washington, July 6, 1892.

MY LORD: With reference to my telegram of to-day, I have the honor to inclose herewith copy of an unofficial note which I have received from the Assistant Secretary of State, in which he inquires whether the Government of the Dominion construe the act of May 10, 1892, to apply to the Welland Canal, the canal and improvements of the waters, between Lake Erie and Lake Huron, and to the waters of the St. Mary's River and canal.

Mr. Adee asked me to-day to telegraph to your excellency for a reply, as he is anxious to conclude the arrangement as soon as possible.

Your excellency will observe that Mr. Adee suggests in his note that your excellency's proclamation and that of the President should be issued simultaneously.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Adee to Mr. Herbert.

[Unofficial.]

DEPARTMENT OF STATE,
Washington, September 2, 1892.

MY DEAR MR. HERBERT: In further response to your unofficial note of the 26th ultimo, I regret that I am unable to procure the detailed information you desire in regard to the traffic passing through the Sault Ste. Marie Canal, as I am informed by the Treasury Bureau of Statistics that the data prepared and furnished to that office are not capable of being classified under the headings you indicate, month by month.

The inclosed proof sheets from a report now in the hands of the printer, and probably to be issued in about a fortnight, contains all the information the Bureau of Statistics can now give me concerning the traffic in question.

Very sincerely yours,

ALVEY A. ADEE.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 6, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 1st instant in regard to the construction to be given to the Canadian wrecking act of May 10, 1892, and transmitting a copy of an order-in-council, embodying the views of the Candian minister of justice upon the subject.

As I have previously said, in correspondence and in oral conference with you, the act of the United States in the same regard is precise and mandatory in prescribing the President's power to issue his proclamation; and he is unable to do so until he shall be advised that the intended reciprocal privileges of wrecking shall be construed to apply, on the British side, to the Welland Canal as fully as it is to be construed on the part of the United States to cover the connecting waterways within our territory.

The President is not prepared to admit the conclusions of your note, that the words "wrecked, disabled, or in distress" (in their ordinary sense) are not applicable to vessels in canals or narrow waterways. The phrase must evidently be construed with reference to the ordinary navigation of such channels, and any of the lesser casualties to which tugs and their tows or self-propelled vessels, are liable in such waters, such as an accident to the engine or steering gear, the breaking of the tow line, the grounding of a tug or its tow in shallow waters, and the like, constitute a practical case of disability or distress within the purview of the intended reciprocity. Past experience has shown that in such contingencies, any assistance rendered by an American vessel, however legitimate, even to the case of a tug picking up or pulling off its own tow, is treated by the Canadian authorities as "wrecking," and punished accordingly, when performed in Canadian waters.

I have the honor, etc.,

JOHN W. FOSTER.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Newport, September 7, 1892.

SIR: I have the honor to inform you that I have forwarded to the governor-general of Canada a copy of your note of the 2d August, in which you point out that the President of the United States is powerless to issue his proclamation putting the act of Congress in regard to wrecking and salvage privileges in the inland waters contiguous to Canada and the United States into force until the Canadian Government, by construction of their recent act on the same subject, or otherwise, can give him the assurance that the wrecking and salvage privileges granted by the Dominion shall apply to the waters specially mentioned by act of Congress, so far as they lie within the Dominion of Canada.

I have now received a communication from his excellency in reply, forwarding copy of an approved minute of council on the subject, from which it appears that the Canadian Government are unable to give the necessary assurance until they are empowered to do so by act of Parliament.

I have, etc.,

MICHAEL H. HERBERT.

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council on the 27th August, 1892.

The committee of the privy council have had under consideration certain dispatches dated 13th July, 1892, and 4th August, 1892, from Her Majesty's charge d'affaires at Washington with regard to the proclamation of the act of last session (55–56 Vic. cap.), respecting aid by the United States wreckers in the waters of Canada contiguous to the United States, such dispatches being accompanied with copies of communications addressed to the Secretary of State for the United States bearing upon the subject, and urging the simultaneous issue of proclamations bringing into force on the one hand, the act of Congress approved on the 24th of May, 1890, of similar purport, and on the other hand the act of the Canadian parliament above mentioned.

The minister of railways and canals, to whom the said dispatches were referred, reports that the act of Congress of the 24th of May, 1890, amending a previous act of the 19th of June, 1878, contained the additional proviso that it was "to be construed to apply to the Welland Canal, the canal and improvements of the waters between Lake Erie and Lake Huron, and to the waters of St. Marys River and Canal."

The Secretary of State for the United States, on the 9th July last, expressed to Her Majesty's charge d'affaires at Washington his desire to receive an assurance that the construction so laid down will be accepted in the construction of the Canadian act.

In reply, the Secretary of State for the United States appears to have been informed by your excellency, through Her Majesty's charge d' affaires at Washington, that the Canadian act does not authorize salvage operations of United States vessels in the Welland Canal.

A subsequent letter from the Secretary of State for the United States dated 2nd August, instant, was addressed to Her Majesty's charge d' affaires at Washington, in which the Secretary of State observes, in effect, that the President is powerless under the act to omit the canal waters, and that he is unable, therefore, to issue his proclamation of the act until the provisos in question are accepted. The Secretary of State suggests that though the canal waters may not be contiguous they are "incidental to waters that are contiguous."

The minister of railways and canals also reports that the Canadian act provides for the exercise of wrecking privileges in waters of Canada "contiguous" to the United States, the Welland Canal, unlike the Sault Ste. Marie, lies far inland, and can not by any construction of the said act, come within the meaning of waters contiguous.

The minister, therefore, recommends that the Government of the United States be informed, through the proper channel, that until the government of Canada is empowered by act of Parliament, it is unable to grant the assurance desired.

The committee concurring in the foregoing recommendation of the minister of railways and canals, advise that your excellency be moved to transmit a copy of this minute, if approved, to Her Majesty's chargé d' affaires at Washington.

JOSEPH POPE,
Assistant Clerk of the Privy Council.

Mr. Adee to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 12, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, in further relation to the reciprocal proclamations sought to be issued under the respective acts of the Congress of the United States and the Parliament of the Dominion of Canada, in relation to wrecking and salvage privileges in the inland waters contiguous to Canada and the United States.

I learn with much regret that the Canadian government are unable to give assurance that the wrecking and salvage privileges granted by the Dominion shall apply to the waters specially mentioned by the act of Congress, so far as they lie within the Dominion of Canada, until they are empowered to do so by act of Parliament.

In the interest of the humane purposes intended to be subserved by the respective acts of legislature, I trust that a speedy and satifactory understanding may be within reach.

I have, etc.,

ALVEY A. ADEE.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,

Washington, September 29, 1892. (Received September 30.)

SIR: I have the honor to inform you that I forwarded copy of your note of the 10th ultimo relative to the complaint of the United States Government against the alleged action of the Canadian Pacific Railway Company in transporting Chinese persons from China into the United States, to the Governor-General of Canada, and I have now received a communication from his excellency in reply transmitting a copy of an approved minute of council on the subject, a copy of which I have the honor to inclose herewith.

You will observe from the letter from the president of the Canadian Pacific Railway Company which accompanies the minute of council that he absolutely denies the allegations preferred in your note and promises to furnish documentary evidence to refute them.

As regards the observations contained in your above-mentioned note upon the indifference and want of friendliness displayed in the matter by the Canadian government, I am desired by the Governor-General of Canada to inform you that while disposed to the utmost friendliness towards the Government of the United States, the government of the Dominion does not charge itself with the duty of enforcing measures of restriction adopted by a foreign government with regard to access to its territories by persons of other nationalities.

I have, etc.,

MICHAEL H. HERBERT.

[Inclosure No. 1.]

Report of the privy council.

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council on the 16th September, 1892.

The committee of the privy council have had under consideration a dispatch dated 10th August, 1892, from the British chargé d'affaires at Washington, inclosing copy of a note received from the United States Government, complaining of the action of the Canadian Pacific Railway Company in transporting Chinese persons from China into the United States, and requesting an immediate investigation into the matter with a view to putting a stop to the practice.

The minister of railways and canals, to whom the question was referred, reports that he has caused communication to be had with the company, requesting them to furnish explanations, and that he has received from the president, Mr. Van Horne, a letter in refutation of the charge conveyed by the complainant.

This letter they propose to supplement by statutory declarations in support of the denial so given.

Annexed is the letter received from the president.

The minister observes that the question is one which only indirectly concerns the department of railways and canals, and its general bearing is not at the moment under discussion.

The minister, however, desires to express the opinion, in view of the declaration made by the Canadian Pacific Railway Company, that the allegations and suggestions of the present note of the honorable the Secretary of State of the United States are not borne out by the facts, and that if his information as to the numbers of Chinese who find access to the United States through Canada, and of those who are awaiting transport thither at Vancouver, is correct, which seems doubtful, these people are not being aided and abetted by the Canadian Pacific Railway Company to evade the laws of the United States.

The minister further observes that he is of the opinion that no foundation exists for the assertion of the Secretary of State of the United States that the government of Canada has been in this matter either indifferent to the wishes of the Government of the United States or tolerant of proceedings which would imply want of friendliness towards that power.

The minister in making the inquiry before mentioned, and in communicating its results for the information of the Government of the United States, thinks it well that the Government should, at the same time, receive an intimation that, although disposed to the utmost friendliness, the government of Canada does not charge itself with the duty of enforcing the measures of restriction which the government of any other country may see fit to adopt with regard to access to their territory by persons of other nationalities.

The committee concurring in the above, advise that your excellency be moved to forward a copy hereof, if approved, to Her Majesty's chargé d'affaires at Washington.

All of which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

[Inclosure No. 2.]

Mr. Van Horne to Mr. Haggart.

THE CANADIAN PACIFIC RAILWAY COMPANY,
Montreal, August 23, 1892. (Received September 30.)

DEAR MR. HAGGART: I have your note of yesterday, inclosing a copy of a communication from the Secretary of State at Washington on the subject of our action in the matter of the transportation of the Chinese.

It is evident that somebody has been making outrageous misrepresentations at Washington on the subject. There is no congregation of Chinese at Vancouver, or anywhere about our Pacific terminus, waiting to get into the United States, nor has there been at any time; nor have we sold tickets to any Chinese who lacked the proper certificates to secure their return to the United States.

I am just leaving for England, but have requested Mr. Shaughnessy to take this matter in hand and to furnish you with such statutory declarations as may be necessary to set the question at rest and to enable you to make an absolute and comprehensive denial of the whole charge.

Yours, etc.,

W. C. VAN HORNE.

Hon. JOHN HAGGART,
Ottawa.

Mr. Herbert to Mr. Foster.

BRITISH LEGATION,
Washington, October 2, 1892. (Received October 4.)

SIR: In further reference to my note of the 29th ultimo respecting the complaint of the United States Government against the Canadian Pacific Railway Company in transporting Chinese into the United States, I have the honor, in accordance with a request which I have received from the Governor-General of Canada, to transmit copy of an approved minute of council on the subject, to which are appended two communications from Mr. Shaughnessy, the vice-president of the railway company, dealing with the charges contained in your note of the 10th August last.

You will observe from these letters that Mr. Shaughnessy denies in emphatic terms that the Canadian Pacific Railway has in any way connived at the illegal entrance of Chinese immigrants into the United States, and that he points out that in every case in which Chinamen are carried over the company's route the greatest precaution is taken to prevent the unlawful introduction of Chinese persons into that country.

I have, etc.,

MICHAEL H. HERBERT.

Certified copy of a report of a committee of the honorable the Privy Council, approved by His Excellency the Governor-General in Council, on the 26th September, 1892.

On a memorandum, dated September 24, 1892, from the ministers of railways and canals, submitting, by way of supplement to his report of the 4th September, instant, respecting the admittance of Chinese to the United States over the line of the Canadian Pacific Railway, copies of letters dated 13th and 20th September, instant, received from Mr. Shaughnessy, the vice-president of the road, bearing on the subject.

The committee advise that your excellency be moved to forward copies hereof to Her Majesty's charge d'affairs at Washington.

All of which is respectfully submitted.

JOHN MCGEE,
Clerk of the Privy Council.

Mr. Shaughnessy to Mr. Haggart.

SEPTEMBER 13, 1892.

HON. JOHN HAGGART,
Minister of Railways and Canals, Ottawa:

DEAR MR. HAGGART: Herewith please find copy of letter which I wrote the premier some days ago upon the subject of the alleged violations of the United States law in connection with Chinese passengers.

Since the receipt of your private letter I have had our general passenger agent at Detroit conducting a thorough investigation, and a complete statement, with affidavits, is now in course of preparation. I hope to send it to you on Friday. I could send part of the documents before that time, but probably it would be as well not, until I can put you in possession of all the facts.

Yours, very truly,

T. G. SHAUGHNESSY,
Vice-President.

Mr. Shanghnessy to Sir John C. Abbott.

AUGUST 15, 1892.

Sir JOHN CALDWELL ABBOTT, K. C. M. G.,
Premier, Ottawa:

MY DEAR SIR: Referring again to the subject of our Chinese passenger business: We have been carrying four classes of Chinese passengers.

(1) Poll-tax passengers, of whom we are able to bring 118 each trip, or 1 per each 50 tons registered tonnage, who upon arrival at Victoria or Vancouver pay the Canadian government tax of $50 per head.

(2) Chinese passengers with Canadian certificates, being those who, after having paid the poll tax and resided in this country for a given time, visited China, and before leaving secured from the duly authorized Canadian officer certificates authorizing their return without the payment of poll tax.

(3) Chinese passengers destined to points in the United States and provided with proper certificates authorizing their return to that country.

(4) Chinese passengers for Cuba or West Indies passing through the United

States or Canada, in bond, who are in charge and under the supervision of the customs authorities of the respective countries from the time they land in the country until they reëmbark at New York, Quebec, or Halifax.

The Canadian customs authorities have been most precise in their interpretation of the statute relating to poll-tax passengers. We have been held strictly to the limit of 118 per voyage. If at any time we brought a single Chinaman in excess of that number we were compelled to take him back.

During the past three months there was some difficulty about Chinamen holding Canadian "return certificates." The Department alleged that in a number of cases the certificates were forged. We had no means of detecting any such forgeries, and were therefore held harmless, but during the last session of Parliament the act was so amended as to prevent a recurrence.

We bring very few Chinamen destined to points in the United States, and none who are not provided with proper return certificates. The United States customs officer at the port of entry is in each case notified a sufficient time in advance to enable him to examine the certificates and their holders and determine the authenticity of the certificates before the passengers arrive at the frontier. In view of the company's responsibility, our agents exercise every possible precaution to prevent the sale of tickets to persons who have not the right to enter the United States.

Indeed, because so many people are interested in misrepresenting this company's actions in connection with international traffic, it has been our effort not only in this matter of Chinese passengers, but in all others relating to traffic to or from the United States, to so strictly observe every regulation as to earn the confidence of the United States authorities. I feel quite sure that every United States customs official who has had to do with our affairs will bear testimony to this fact.

The few Cuban, or West Indian, passengers who are taken through the country in bond are strictly watched by the customs authorities, and the transportation company is not relieved from responsibility until they have reëmbarked.

The suspicion which I understand is entertained in some quarters that this company is inclined to wink at the smuggling of Chinamen into the United States across the Canadian frontier is absolutely without foundation. It is possible that some of the Chinese passengers by this company's steamships, who were landed at Vancouver or Victoria, in strict accordance with existing laws, did subsequently improperly enter the territory of the United States, but, if so, it was absolutely without the connivance or the knowledge of any officer or employé of this company. This statement can be verified by an investigation on the part of the United States authorities at any time.

The Canadian Pacific company has no advantage over other lines in the matter of Chinese traffic. On the contrary, under existing Canadian laws, this company's steamships are restricted to the number of poll-tax passengers represented by their tonnage, while there are no regulations limiting the number of Chinamen who can come into the country by rail, and, as a consequence, it is possible for any vessels sailing to Puget Sound ports to land an unlimited number of Chinamen and send them by rail to Canada, where, upon payment of the ordinary poll tax, they will be received without question. This has been a recognized defect in the law, which it hoped your Government will soon remedy.

Yours, very truly,

T. G. SHAUGHNESSY,
Vice-President.

Mr. Shaughnessy to Mr. Haggart.

THE CANADIAN PACIFIC RAILWAY COMPANY,
Montreal, September 20, 1892.

Hon. JOHN HAGGART,
Minister of Railways and Canals, Ottawa:

MY DEAR SIR: Referring to the complaint made by the United States to the Dominion government concerning the relation of the Canadian Pacific Railway Company to the Chinese passenger traffic, you quote the following extracts from the complaint as formulated by the Hon. John W. Foster, Secretary of State of the United States, and asked of this corporation such explanation as it may be able to make:

"(1) Information has reached me that the Canadian Pacific Railway Company is making contracts to transport Chinese persons from China and deliver them at designated points in the United States for fixed sums; the price named being for instance, $140 from China to Chicago."

"(2) When the policy of this country has been proclaimed and enforced by appropriate laws, it can not be deemed a friendly act should a great corporation, amenable

in so many respects to the control of a neighboring Government, employ its vast power and resources to thwart the purpose of the Government by becoming an organized machinery for the unlawful introduction of Chinese persons into the United States"

We deny most emphatically that we are making, or have made, contracts to carry Chinese, or have carried Chinese to any point in the United States who do not hold what we consider proper certificates which will enable them to return to the United States, which certificates in every instance are afterwards submitted to the United States customs authorities. Since our steamships were placed in service we have carried 30 Chinese to Chicago at rates in the neighborhood of $100 to $110, Mexican.

A grave misapprehension seems to prevail in the United States concerning the relations to the Dominion government of this corporation and its policy and spirit toward the laws and regulations by which its interests are affected.

In view of the language of the second extract from the complaint as quoted above, this company respectfully urges upon the Dominion government that it convey to the United States the assurance that the Canadian Pacific Railway Company is in no sense or respect, any more, or in any different manner, amenable to the control of the Dominion government than is any other corporation organized like this company for purely commercial purposes under the laws of Canada; and the further assurance that the relations of this company to competing transportation lines and to the business interests generally of the United States are purely commercial, in which it represents itself alone and in no degree represents any political or fiscal policy of the Dominion government as such. The statement that this company is an organized machine for the unlawful introduction of Chinese persons into the United States has no foundation in fact. It is possible that Chinese passengers landed at Victoria or Vancouver, in strict accordance with existing laws, have subsequently improperly entered the territory of the United States, but if so it has been absolutely without the connivance or knowledge of this company.

We cordially invite the fullest and most exhaustive investigation of this subject by the United States authorities, to whom we would tender all the coöperation in our power, and if any employé of this company shall be detected in aiding or abetting in the violation of any United States law or regulation governing Chinese immigration he shall be summarily dismissed from our service.

Indeed, because so many people are interested in misrepresenting this company's actions in connection with international traffic, it has been our effort, not only in this matter of Chinese passengers, but in all others relating to traffic to or from the United States, to so strictly observe every regulation as to earn the confidence of the United States authorities. We feel quite sure that every United States customs official who has had to do with our affairs will bear testimony to this fact.

We have been carrying four classes of Chinese passengers:

(1) The poll-tax passengers, whose destination is Canada, who upon arrival at Victoria or Vancouver pay the Dominion government a tax of $50 per head. We are restricted by law to the transportation of 1 Chinese to every 50 tons of the registered tonnage of our steamships, which enables us to carry not to exceed 118 Chinese per trip. The Canadian customs authorities have been most precise in their interpretation of the statute relating to this class of passengers.

(2) Chinese passengers with Canadian certificates, being those who after having paid the poll tax and having resided in this country for a given time, visited China, and before leaving secured from the duly authorized Canadian officer certificates authorizing their return without the payment of poll tax.

(3) Chinese passengers destined to points in the United States and provided with proper United States certificates authorizing their return to that country.

(4) Chinese passengers for Cuba or West Indies, passing through the United States or Canada, in bond, who are in charge and under the supervision of the customs authorities of the respective countries from the time they land until they reëmbark. As you are aware there is a large permanent colony of Chinese at Victoria which was in existence long prior to the building of the Canadian Pacific Railroad or the establishment of its steamship line on the Pacific Ocean. The Chinese travel to and from this colony alone forms the major portion of our Chinese passenger business.

We carry very few Chinamen destined to points in the United States in comparison to the number brought by steamship lines to American ports, and what little we do carry are all placed in bond by the Canadian customs authorities on arrival, and we have to satisfy them as to their proper exit from Canada. On arrival at a United States port of entry of Chinese destined as above, or in many instances prior to their arrival, we forward their United States certificates to the United States customs authorities, and it is only when these certificates are reported correct that Chinese are allowed to enter the United States, and our Canadian bond is released.

Attached hereto is an extract from the private instructions of this company to our station agents and ticket agents regarding Chinese, by which it appears that no

tickets are to be sold to Chinese between a point in Canada and a point in the United States, and none between two points in Canada when a portion of the route lies in United States territory. The only exception made by our general passenger agent to this rule is when Chinese have certificates enabling them to legally enter the United States, which papers, in all instances, are submitted to the proper United States authorities. We have, of course, no legal right or power to exclude from our trains Chinamen passing between two points in Canada or between two points in the United States.

Attached hereto also are some official figures furnished by our passenger department which show:

(1) The number of Chinese passengers carried by Canadian Pacific Railway steamships between the 28th April (first steamer), 1891, and the 25th August, 1892, both inward and outward.

(2) The number of Chinese passengers via the port of San Francisco for three months ending the 30th June, 1892, both inward and outward, as furnished us by our San Francisco agent.

(3) The number of Chinese passengers landed in Canada by steamships plying between China and United States ports from the 18th June, 1892, to the 26th August, 1892.

By these tables it appears that during the sixteen months last passed we have ticketed to United States points 662 Chinese, and carried away from United States points during the same period 1,526 Chinese or about two and one-third times as many as we have brought in.

Of the whole number brought into Canada by our line 4,357, more than 70 per cent, or 3,188, became members of the large permanent colony at Victoria before referred to.

Of the whole number 5,133 brought into Canada and the United States together, 43 per cent, or 2,214, have been carried back by us to China.

This company has ticketed to the United States 662 Chinese in sixteen months, or an average of about 41 per month, while there were landed at San Francisco, from reports furnished us, 1,245 Chinese for United States points in three months, or an average of 415 per month, or ten times the number per month brought by this company.

The Canadian Pacific Railway Company has no advantage over other lines in the matter of Chinese traffic. On the contrary, under existing Canadian laws, this company's steamships are restricted to the number of poll-tax passengers represented by their tonnage, while there are no regulations limiting the number of Chinamen who can come into the country by rail, and as a consequence, it is possible for any vessel sailing to Puget Sound ports to land an unlimited number of Chinamen and send them by rail to Canada, where, upon paying the ordinary poll tax, they will be received without question. This has been a recognized defect in the law, which, it is hoped, your Government will soon remedy.

Yours, very truly,

T. G. SHAUGHNESSY,
Vice-President.

Statement of Chinese passengers via port of San Francisco for three months ending June 30, 1892, as furnished by our San Francisco agent.

INWARD.

For United States	1,245
For other countries	1,276
Total	2,521

OUTWARD.

From the United States	827
From other countries	172
Total	999

Chinese passengers landed in Canada by steamship lines (not Canadian Pacific) plying between China and United States ports 18th June, 1892, to 26th August, 1892.

INWARD.

Upton Line (Union Pacific)	586
Northern Pacific Railroad Line	123
Total	709

OUTWARD.

Upton Line (Union Pacific)	147
Northern Pacific Railroad Line	9½
Total	156½

Statement of Chinese passengers carried by Canadian Pacific Railway steamships, 28th April (first steamer), 1891, to 25th August, 1892.

INWARD.

To Canada:	
Pacific coast points	4,268
Inland points	89
	4,357
To United States:	
Pacific coast points	381½
Inland and eastern points	281
	662½
To other countries	114
Total inward	5,133½

OUTWARD.

From Canada:	
Pacific coast points	595½
Inland points	82
	677½
From United States:	
Pacific coast points	615½
Inland and eastern points	911
	1,526½
Total outward	2,214

[Extract from "Instructions to Station and Ticket Agents" dated July 1, 1890. Signed F. G. S.]

CHINESE PASSENGERS.

168. Chinese must not be ticketed to any point in the United States from Canada or any other foreign country, or by any route that will pass through any portion of the United States, or from a United States point to a United States point or other point by a route which leaves the United States and reënters it. The law does not permit them to reënter the United States.

169. Chinese merchants and tourists (not laborers) are permitted to reënter the United States under severe restrictions. Communicate with the general passenger agent before ticketing such passengers to or through United States territory.

170. Chinese may be ticketed to Canada from a point in any other country, provided they observe requirements of the Canadian law, known as "the Chinese Immigration Act of 1885," section 4 of which reads as follows: "Every person of Chinese origin shall pay into the consolidated revenue fund of Canada, on entering Canada at the port or other place of entry, the sum of $50, except the following persons, who shall be exempt from such payment—that is to say, first, the members of the diplomatic corps or other Government representatives and their suite and their

servants, consuls, and consular agents; and, second, tourists, merchants, men of science, and students, who are bearers of certificates of identity, specifying their occupation and their object in coming to Canada, or other similar documents issued by the Chinese Government, or other government whose subjects they are, and every certificate or other document shall be in the English or French language, and shall be examined and indorsed (visé) by a British consul or charge d'affaires or other accredited representative of Her Majesty, at the place where the same is granted, or at the port or place of departure, but nothing in this act shall be construed as embracing within the meaning of the word 'merchant' any huckster, peddler, or person engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation."

171. The above does not prohibit the ticketing from one Canadian station to another Canadian station, provided the Chinese do not leave Canadian territory en route, or the ticketing from one United States station to another United States station, provided the Chinese do not leave United States territory en route. Chinese from the United States, destined to trans-pacific ports, are permitted to travel through Canada under bond in charge of the railway employés who are personally responsible for them at $50 per head.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, October 3, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, in response to mine of the 10th of August last, relative to the alleged action of the Canadian Pacific Railway Company in transporting Chinese persons from China into the United States.

I am gratified to note the denial of the Canadian Pacific Railway Company that it has "sold tickets to any Chinese who lacked the proper certificates to secure their return to the United States;" as also the statement that "there is no congregation of Chinese at Vancouver, or anywhere about our Pacific terminus, waiting to get into the United States."

It had in the meantime been intimated to me, unofficially and through informal channels, that the instructions of the Canadian Pacific Railway Company to their agents positively prohibit the sale of through tickets to Chinese persons from points in China or Canada to points in the United States, and that severe displeasure would be visited upon any agent violating these orders and committing an act so evidently detrimental to the interests of the United States. These statements go far toward relieving the Canadian Pacific Railway Company from the imputation of unfriendliness which might properly have been laid to its charge had it been found that the corporation in question had in fact employed its vast power and resources to thwart the purposes of this Government by becoming an organized machinery for the unlawful introduction of Chinese persons into the United States.

Had the reply of the Dominion Government communicated with friendly acquiescence the sentiments and purposes which, as I am led to believe, inspire the Canadian Pacific Railway Company in dealing with this subject, my acknowledgment thereof would have been an agreeable duty.

As it is, I am compelled to notice the statement in the approved minute of the Canadian privy council which your note transmits to me, "that no foundation exists for the assertion of the Secretary of State of the United States that the government of Canada has been in this matter either indifferent to the wishes of the Government of the United States or tolerant of proceedings which would imply want of friendli-

ness towards that power," and the further suggestion that the Government of the United States should "receive an intimation that, although disposed to the utmost friendliness, the government of Canada does not charge itself with the duty of enforcing the measures of restriction which the government of any other country may see fit to adopt with regard to access to their territory by persons of other nationalities."

My assertion of the indifference of the Dominion government to this subject finds abundant foundation in the silence with which the Canadian authorities have treated the proposal, made in virtue of a concurrent resolution of Congress, through Her Britannic Majesty's Government nearly two years ago, inviting negotiations with a view to securing treaty stipulations for the prevention of the entry of Chinese laborers from the Dominion of Canada, contrary to our laws. I observe that the present minute of the dominion privy council makes no reference whatever to the statements in this regard presented in my note to you of August 10, 1892. The reference to my so-called assertion that the government of Canada has been in this matter tolerant of proceedings which would imply a want of friendliness to the United States appears to rest entirely on a perversion of the sense and words of my note of August 10, of which I invite your reperusal.

As for the concluding "intimation," suggested in the minute of the privy council and officially conveyed to me in your note as a declaration emanating from the Governor-General of Canada, it appears wholly to ignore the considerations of friendly respect for the laws and institutions of a neighboring State, which prompted the proposals of October 22, 1890, for a conventional understanding in this regard. This Government is not unaware that Canada, like the United States, has upon its statute books laws restrictive of the immigration of Chinese persons, and it has every disposition to respect those laws. While in the absence of treaty engagements to that end it could not well charge itself with enforcing the Canadian laws with regard to Chinese persons entering Canadian territory, it certainly would not knowingly take any step or countenance any action tending to evade or defeat those laws.

The concurrent tenor of the laws of the two countries in respect to Chinese immigration so clearly indicates the desirability of a friendly understanding between them in furtherance of their common interests and the duties of a good neighborhood that I can not too deeply deplore the indifference with which the proposal of October 22, 1890, for the conventional regulation of the matter has been treated by the Dominion Government.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, October 4, 1892.

SIR: As the result of our several recent conferences on the subject of giving effect to so much of the understanding reached in concert by the Secretary of State and the delegates of the government of the Dominion of Canada on February 15, last, as relates to the prevention of destructive methods of fishing in the contiguous waters of the United States and Canada and the preservation of the fisheries thereof, I have now the honor to submit the views of this Government in the matter, to the end of reaching a formal agreement thereon.

The proposition of February 15, 1892, in this regard was that a commission of two experts should be appointed—one by the Government of the United States and one by the Government of Great Britain—to consider and report to their respective governments, either jointly or severally, as to the restrictions and regulations which should be adopted on the following subjects:

(1) The prevention of destructive methods of fishing in the territorial and contiguous waters of the United States and Canada, respectively, and also in waters outside the territorial limits of either country.
(2) The prevention of the polluting and obstructing of such contiguous waters to the detriment of fisheries and navigation.
(3) The close seasons which should be enforced and observed in such waters by the inhabitants of both countries; and
(4) On the subject of restocking and replenishing such contiguous waters with fish ova and the means by which fish life may be therein preserved and increased.

I deem it convenient thus to quote in full the text of the tentative understanding of last February as expressive of the general scope and direction of the inquiries to be jointly set on foot, and as the groundwork upon which to essay a fuller and more precise international agreement.

The several lines of inquiry having relation to the different aspects, whether general or particular, of the questions so presented, fall so far as this Government is concerned, within the purview of the operations conducted for a number of years past by the United States Commission of Fish and Fisheries, which, in its investigations and in the practical application of its methods and making use of the extensive establishment and ample means appropriated by Congress, has amassed a stock of information, much of which may be found available for the purposes of investigation and recommendation for which the joint commission is proposed to be organized. I am advised that the United States Fish Commission has within itself the resources in men and means to conduct such further inquiries in relation to the statistics, methods, and condition of the fisheries in question as the joint commission, or the American representative thereon, may indicate as desirable for their information.

A similar fish commission is understood to exist in the Dominion of Canada, and to have pursued like valuable investigations and practical operations for a number of years past.

The necessary machinery and a large part of the data for the proposed joint investigation appear, therefore, to be already at the command of the Government of the United States and Her Britannic Majesty's Government without the necessity for creating other or independent methods for accomplishing the purpose in view by convention or coincident legislative appropriation. As the object is to arrive at such concurrent recommendations as may commend themselves to the good judgment of the respective governments and open the way in case of accord thereon for a formal conventional agreement in promotion of the mutual interests of their respective citizens and subjects as regards their equal and common benefit in the conservation of food fishes in the territorial and contiguous waters of the United States and Her Britannic Majesty's possessions in North America, it seems most desirable for the two parties to avail themselves in common, so far as may be practicable, of the means already at hand, in order that the end in view may be the more speedily attained.

That this may be conveniently accomplished, I have the honor to propose for the consideration of Her Britannic Majesty's Government

the following bases for an agreement to be reached by a diplomatic exchange of notes:

I. The Government of the United States of America and of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland agree that a commission of two experts shall be appointed, one on behalf of each government, to consider and report to their respective Governments—either jointly or severally, or jointly to both governments, with regard to matters in which they may be in accord, and severally to their respective governments with regard to matters of nonconcurrence—concerning the regulations, practice, and restrictions proper to be adopted in concert on the following subjects, viz:

(*a*) The limitation or prevention of exhaustive or destructive methods of taking fish and shellfish in the territorial and contiguous waters of the United States and Her Majesty's possessions in North America, respectively, and also in the waters of the open seas outside the territorial limits of either country to which the inhabitants of the respective countries may habitually resort for the purpose of such fishing.

(*b*) The prevention of the polluting or obstructing of such contiguous waters to the detriment of the fisheries or of navigation.

(*c*) The close seasons expedient to be enforced and observed in such contiguous waters by the inhabitants of both countries as respects the taking of the several kinds of fish and shellfish.

(*d*) The adoption of practical methods of restocking and replenishing such contiguous and territorial waters with fish and shellfish, and the means by which such fish life may be therein preserved and increased.

II. The commissioners to be so appointed shall meet at the city of Washington within three months from the date of this present agreement, and shall complete their investigation and submit their final reports thereof to the two governments, as herein provided, within two years from the date of their first meeting.

III. The contracting governments agree to place at the service of the said commissioners all information and material pertinent to the subjects of their investigation which may be of record respectively in the offices of the United States Commission of Fish and Fisheries and in the department of marine and fisheries of the Dominion of Canada, and further to place at the disposal of said commissioners, acting jointly, any vessel or vessels of either of said Fish Commissions of the United States and of Canada as may be convenient and proper, to aid in the prosecution of their investigation in the contiguous or adjacent waters aforesaid.

It is further agreed that, if required by either or both of the said commissioners, a competent employé of either or both of the said Fish Commissions of the United States and of Canada shall be detailed to assist the said commissioners in the preparation of their reports.

IV. Each government will defray the expenses of its commissioner and of such employé as may be detailed to assist him as provided in the preceding section.

V. The two governments agree that so soon as the reports of the commissioners shall be laid before them as aforesaid, they will consider the same and exchange views thereon, to the end of reaching, if expedient and practicable, such conventional or other understanding as may suffice to carry out the recommendations of the commissioners, by treaty or concurrent legislation on the part of the respective governments or the legislatures of the several States and provinces or both, as may be found most advisable; but nothing herein contained shall be

deemed to commit either government to the results of the investigation hereby instituted.

I beg that you will submit the foregoing draft of an agreement to Her Britannic Majesty's Government for consideration, with the intimation that, if it be accepted, this Government will be prepared forthwith, for its part, to give it full force and effect from the date when such acceptance may be notified to it.

I have, etc.

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, October 4, 1892.

SIR: I have had the honor to receive to-day your note of the 2d instant, supplementing your previous note of the 29th ultimo by communicating, at the request of his excellency the Governor-General of Canada, copy of an approved minute of council on the subject of the alleged action of the Canadian Pacific Railway Company in transporting Chinese persons into the United States.

I am pleased to observe that the appended communication from the vice-president of the Canadian Pacific Railway fully bear out my understanding, as expressed in my note of the 3d instant, of the good disposition of the company and their desire and purpose to respect the laws of the United States by taking precautions to prevent the unlawful introduction of Chinese persons into the United States.

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE.
Washington, October 11, 1892.

SIR: I have given attentive consideration to the project which I had the honor to receive with your note of the 4th of July last for an international declaration for the protection of natives in the islands of the Pacific Ocean by prohibiting the supply to them of arms, ammunition, explosive substances, and intoxicating liquors, and providing penalties for any infringement of such prohibition.

When this proposition was first brought to the attention of this Government by Mr. West's note of August 11, 1884, my predecessor, Mr. Frelinghuysen, promptly responded, on the 22d of the same month, that "this Government looks with favor upon any humanitarian work, and would like more information as to the scope and form of the proposed agreement." In this concurrence in principle I cheerfully acquiesce, and welcome with pleasure the opportunity now afforded to consider the formulated plan.

While the sentiments and convictions of this Government indorse

the effective restriction of deleterious commerce with the native Pacific islanders, the method of giving expressions thereto is necessarily influenced by the disparity of policy and interests between the United States and the great European states in the Pacific Ocean. The disparity has become even greater since the present proposal was first put forth in 1884.

Nearly all of Polynesia has now passed under European jurisdiction. Were the United States a colonizing power, expanding its jurisdiction in the same way as the other great powers among the islands of the Western Pacific, question might legitimately arise as to the share of responsibility that properly should fall to us in the police control of those regions. As it is, the Government of the United States is without colonial interest of any kind in that quarter of the globe, and its administrative responsibilities are remotely confined to participation in the encouragement of good government and autonomy in the Samoan group. To the colonizing or protecting powers the question at issue becomes largely a matter of local municipal government; to the United States it is one of moral influence and cordial coöperation within the just limits of domestic and international rights. Although its responsibilities in the matter are not so great, this Government is none the less interested in the humanitarian purposes of the proposed convention, and I am happy to express, by direction of the President, his assent to its general scope, provided paragraph 5 be so amended, with respect to American citizens, at least, that they shall be handed over to the authorities of their own Government when arrested for offenses against the declaration. Were it thought to be strictly permissible under our system of government to confer criminal jurisdiction over American citizens upon alien magistrates and officers, in practice it would not be likely to meet with favor

He approves the suggestion of the seventh paragraph to designate Her Britannic Majesty's high commissioner for the Western Pacific as a proper person to receive for the benefit of the contracting powers all fines, forfeitures, and pecuniary penalties arising under the declaration. But he does not approve of the suggestion of the second paragraph to except from the prohibition of the declaration sales of liquor, arms, etc., made under a special license of one of the contracting powers. Such a provision would destroy uniformity of action, and, he fears, might lead to abuses which would substantially defeat the object of the declaration. A slight verbal error is observed in the second division of the first paragraph, where the expression "the Republic of the United States of America" should be changed to read "the United States of America."

It is proper that I should add that the character of the proposed declaration is such as to make its acceptance subject to the approval of the Senate, and in so far as any further legislation should be necessary in order to give it full effect, as contemplated in paragraph 11, contingent to that extent upon the future action of Congress. This Government will be glad to be advised in due time of the views upon this project of other governments whose adhesion to it has been solicited, and to give attentive consideration to the exact form which it is eventually proposed to have it take.

I have the honor to be, with the highest consideration, sir, your obedient servant,

JOHN W. FOSTER.

Sir Julian Pauncefote to Mr. Foster.

BRITISH LEGATION,
Washington, November 15, 1892. (Received November 17.)

SIR: With reference to your note to this legation of the 10th August last, and to the conversation which Mr. Herbert held with you on the 3d ultimo, respecting the complaint of the United States Government against the action of the Canadian Pacific Railway in regard to Chinese immigration into the United States, I have the honor, in accordance with instructions which I have received from the Earl of Rosebery, to inclose for your information copy of a dispatch on the subject which has been addressed by his lordship to Mr. Herbert.

I have the honor at the same time to assure you that you are mistaken in supposing that the previous communications of the United States Government in regard to the question of Chinese immigration have been treated with indifference.

Those communications have received, on the contrary, very careful and friendly consideration, and Lord Rosebery desires me to state that the subject shall again be pressed on the attention of the Canadian ministers. But both on account of the attitude of the Chinese Government in regard to the treatment of its nationals in British colonies and in consequence of the vast length and natural features of the Canadian frontier the question is beset with great difficulties.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Earl of Rosebery to Mr. Herbert.

FOREIGN OFFICE, *September 20, 1892.*

SIR: I have received your dispatch No. 219 of the 11th ultimo, inclosing copy of a note which you have received from the Secretary of State, remonstrating strongly against the action of the Canadian Pacific Railway in transporting Chinese persons, by contract, from China to certain points in the United States.

Mr. Foster is mistaken in supposing that the previous representations made by the Government of the United States with regard to Chinese immigration from Canada have been treated with indifference. They have received very attentive consideration and have formed the subject of considerable correspondence between Her Majesty's Government and that of the Dominion.

I inclose herewith extracts from minutes of the Canadian privy council showing the grounds on which the Canadian ministers have felt unable to take action in the direction desired by the United States, and I may add that, in view of the strong remonstrances which have been received from the Chinese Government against the legislative restrictions already imposed on Chinese in Canada and the Australian colonies, Her Majesty's Government could not urge the government of Canada to propose any fresh measures of that nature.

The Canadian government, however, as will be seen in the minutes, have expressed their willingness to prevent in all proper and legitimate ways the violation of the laws of the United States by the citizens of the Dominion, and the present representation of the United States Government shall be forwarded to them without delay, with a request that it may receive their prompt attention.

I am, etc.,

ROSEBERY.

[Inclosure.]

Report of a committee of the privy council.

APRIL *15, 1891.*

The committee of the privy council have had under consideration a further dispatch, dated December 27, 1890, from Lord Knutsford, inquiring when a reply may be expected on the subject of the resolution of the Senate of the United States (in which the House of Representatives had concurred) respecting the proposal that negotiations would be entered into with Great Britain and Mexico, with a view to securing treaty stipulations with those governments for the prevention of the entry of Chinese laborers from the Dominion of Canada and Mexico into the United States contrary to the laws of the United States.

The subcommittee of council to whom the matter was referred observe that the frontier between the United States and Canada has a length of over 3,500 miles extending from the Atlantic to the Pacific Ocean, and this frontier is for the most part a mere geographical line dividing large open expanses of land and water.

It is not seen how it would be possible to apply effective police protection along a line extending across the continent of America, even were it found desirable to do so.

The subcommittee state that the total number of residents in Canada of persons of Chinese origin as established by the last census (1881) was only 4,383.

It is not probable that at the present time this number is materially exceeded; an estimate based upon the best information attainable places the number at present in Canada at less than 6,000.

Persons of Chinese origin who enter Canada pay a per capita tax of $50, whereupon their legal right to freedom of movement from point to point in the Dominion is the same as that of any other subjects or citizens of foreign countries who enter Canada. There is no Canadian law by virtue of which restrictions could be placed on Chinese residents in Canada to fetter their freedom of movement any more than on any other foreign resident.

The Dominion are therefore of opinion that no practical way exists by which effect could be given to the request embodied in the resolution of the Senate and House of Representatives of the United States above referred to.

Extracts from a report of the privy council.

FEBRUARY 19, 1892.

The committee of the privy council have had under consideration a dispatch dated May 19, 1891, from Lord Knutsford, respecting the proposal that negotiations should be entered into between the United States, Great Britain, and Mexico with the view of preventing the entry of Chinese laborers into the United States by way of Canada or Mexico.

The minister of customs has, after careful investigation, reason to believe that the reputed entrance of Chinese laborers into the United States from or via Canada has been exaggerated, and that such reports are largely due to sensational newspaper items having little or no foundation in fact, as in the case narrated in the dispatch of Lord Salisbury to Sir J. Pauncefote, bearing date February 11, 1891, wherein it is stated that the United States minister had informed him (Lord Salisbury) that "it happened that a Chinaman had found himself on the bridge between the United States and Canada at Niagara unable to go south on account of the law of exclusion from the United States, or north on account of the poll tax in Canada," which incident was upon investigation at the time of its reported occurrence found not to have occurred.

That Chinamen do sometimes succeed in evading the United States exclusion act by smuggling themselves into the United States from Canada is probably true, and it is certainly true that they sometimes succeed in evading the payment of the capitation tax imposed under the Chinese immigration act by smuggling themselves from the United States into Canada, but it is believed that in neither case in numbers sufficient to cause anxiety or to warrant an expenditure on the part of Canada necessary to effectually prevent such smuggling, even were it found practicable.

Chinamen leaving Canada for the United States or elsewhere violate no Canadian law. They are entitled to the same freedom of movement as citizens of any other country. "Certificates of leave" are provided for by the Chinese immigration act, and can not be refused them when applied for. The Chinese immigration act does not, however, permit of reëntrance into Canada except on payment of the prescribed capitation tax or the production of a "certificate of leave."

The minister further observes that the United States Government, in asking that the Chinese who may have left Canada without a certificate of leave should be readmitted without payment of the capitation tax, is asking that Canada do what it refused to do under like or similar circumstances.

Chinese laborers, former residents of the United States and holders of certificates taken out in good faith and confidence, entitling them under the act of May 6, 1882, chapter 126 of the United States Statutes at Large, to leave the United States and return thereto, found themselves on their return, under the provisions of the exclusion act of September 13, 1888, chapter 1015 of said statutes, absolutely debarred from admittance to that country. *Vide* extracts hereto attached from the United States acts above referred to, as well as copy of a circular issued by the United States Treasury Department, dated August 1, 1891, embodying the decision of the Supreme Court of the United States, in which Mr. Justice Field in delivering the opinion of the Court remarks, referring to the act of 1888: "And it further declared no certificates of identity under which by the act of May 6, 1882, Chinese laborers departing from the country were allowed to return, should thereafter be issued, and it annulled every certificate of the kind which had been previously issued, and provided that no Chinese laborer should be permitted to enter the United States by virtue thereof." *Vide* also the Canadian act, chapter 67, Revised Statutes, hereto attached, particularly sections 8, 13, 17, bearing upon the same subject.

The minister can only repeat the words embodied in the report on the reference jointly to him and to the minister of agriculture, of a copy of Lord Knutsford's dispatch of the 18th November last, that he is of opinion that no practical way exists by which effect could be given to the request embodied in the resolution referred to of the Senate and House of Representatives of the United States and he does not think he would be justified in recommending any further legislation of a restrictive character against the Chinese who are in the Dominion, and who have made Canada their home under the law as it now exists, particularly in the direction suggested by the American minister in London to Lord Salisbury as set forth in his lordship's dispatch of May 14, viz, that Canada should by legislation assume the responsibility of placing officers on the frontier to "assist the United States in enforcing the provisions of the statutes of that country" in preventing Chinese from crossing the frontier without the permission of the United States authorities.

The minister desires, however, that his lordship be assured that it is now and always has been the desire of the Canadian government to prevent in all proper and legitimate ways the violation of the laws of the United States by the citizens of the Dominion.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 1, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 15th ultimo, in further response to my note to Mr. Herbert of August 10 last, relative to the entry of Chinese laborers into the United States from the Dominion of Canada. I am glad to be assured that I was mistaken in supposing that the previous communications of this Government in regard to that question had been treated with indifference, though I can not see how it was possible for this Government at the time of my writing to avoid that conclusion, since for two years it had awaited in vain any response to its proposals for a conventional agreement with respect thereto.

I take note with pleasure, therefore, of Lord Rosebery's assurance that the subject has received careful and friendly consideration and that it shall be pressed again on the attention of the Canadian ministers.

I have, etc.,

JOHN W. FOSTER.

Sir Julian Pauncefote to Mr. Foster.

BRITISH LEGATION,
Washington, D. C., December 5, 1892. (Received December 6.)

SIR: I have the honor to inform you that the draft agreement for the preservation of the fisheries in the waters contiguous to Canada and the United States, proposed in your note of the 4th October last,

was duly submitted to the Canadian Government, and I have now received a dispatch from the Governor-General, in which his excellency states that the terms of the agreement are acceptable to his Government, as appears from an approved minute of Council, of which I have the honor to inclose a copy.

I have, etc.,

JULIAN PAUNCEFOTE.

Certified copy of a report of a committee of the honorable the privy council, approved by his excelleney, the Governor-General in council, on October 31, 1892.

The committee of the privy council have had under consideration a dispatch, hereto attached, dated October 6, 1892, from Her Majesty's representative at Washington, covering a communication from the United States Secretary of State, dated October 4, 1892, to Mr. Herbert, resulting from several conferences on the subject of giving effect to so much of the understanding reached by the United States Secretary of State and the delegates from the government of Canada on February 15 last, as relates to prevention of destructive methods of fishing in the contiguous waters of the United States and Canada and in other waters, and the preservation of the fisheries thereof; and with the object of reaching a formal agreement, the Secretary of State submits the views of his Government.

The minister of marine and fisheries, to whom the question was referred, observes that the proposition of February 15, 1892, is referred to as the appointment of a commission of two experts, one by each government, to consider and report, either jointly or severally, as to the restrictions and regulations on the following subjects, namely:

"(1) The prevention of destructive methods of fishing in the territorial and contiguous waters of the United States and Canada, respectively, and also in waters outside the territorial limits of either country.

"(2) The prevention of the polluting and obstuction of such contiguous waters to the detriment of fishing and navigation;

"(3) The close seasons which should be enforced and observed in such waters by the inhabitants of both countries; and

"(4) On the subject of restocking and replenishing such contiguous waters with fish ova and the means by which fish life may be therein preserved and increased."

He therefore proposed certain bases for an agreement to be reached by a diplomatic exchange of notes:

I. The Government of the United States of America and of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland agree that a commission of two experts shall be appointed, one on behalf of each government, to consider and report to their respective governments, either jointly or severally, or jointly to both governments, with regard to matters in which they may be in accord, and severally to their respective governments with regard to matters of nonconcurrence concerning the regulations, practice, and restrictions proper to be adopted in concert on the following subjects:

"(*a*) The limitation or prevention of exhaustive or destructive methods of taking fish and shell-fish in the territorial and contiguous waters of the United States and Her Majesty's Possessions in North America, respectively, and also in the waters of the open seas outside the territorial limits of either country to which the inhabitants of the respective countries may habitually resort for the purpose of such fishing.

"(*b*) The prevention of the polluting or obstructing of such continuous waters to the detriment of the fisheries or of navigation.

"(*c*) The close seasons expedient to be enforced and observed in such contiguous waters by the inhabitants of both countries as respects the taking of the several kinds of fish and shell-fish.

"(*d*) The adoption of practical methods of restocking and replenishing such contiguous and territorial waters with fish and shell-fish, and the means by which such fish life may be therein preserved and increased."

"II. The commissioners to be appointed shall meet in the city of Washington within three months from the date of this present agreement, and shall complete their investigations and submit their final reports thereof to the two governments, as herein provided, within two years from the date of their first meeting.

"III. The contracting governments agree to place at the service of the said commisssoners all information and material pertinent to the subjects of their investigations which may be of record, respectively, in the offices of the United States Commission of Fish and Fisheries, and in the department of marine and fisheries of the

Dominion of Canada, and further to place at the disposal of said commissioners, acting jointly, any vessel or vessels of either of said fish commissions of the United States and Canada as may be convenient and proper to aid in the prosecution of their investigation in the contiguous or adjacent waters aforesaid.

"It is further agreed that, if required by either or both of the said commissioners, a competent employé of either or both of the said fish commissions of the United States and of Canada shall be detailed to assist the said commissioners in the preparation of their reports.

"IV. Each government shall defray the expenses of its commissioners, and of such employé as may be detailed to assist him, as provided in the preceding section.

"V. The two governments agree that so soon as the reports of the commissioners shall be laid before them as aforesaid, they will consider the same and exchange views thereon, to the end of reaching, if expedient and practicable, such conventional or other understanding as may suffice to carry out the recommendations of the commissioners by treaty, or concurrent legislation on the part of the respective governments or the legislatures of the several States and provinces, or both, as may be found most advisable; but nothing herein shall be deemed to commit either government to the results of the investigation hereby instituted."

The minister of marine and fisheries reports that although the information at the command of the Canadian Government may not be so complete as that connected with the long established Fish Commission of the United States, important material has been collected by the department of marine and fisheries, and that conferences between the experts proposed to investigate and deal with the subjects will no doubt lead to a full possession of the main facts connected with the fisheries in which the two countries are so much interested.

The minister, therefore, reports to your excellency that the terms of the draft agreement as submitted by the Secretary of State for the United States are acceptable.

The committee advise that your excellency be moved to transmit a copy of this minute to Her Majesty's representative at Washington for his information.

All of which is respectively submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

Mr. Herbert to Lord Stanley, of Preston.

BRITISH LEGATION,
No. 89.] *Washington, 6, October, 1892.*

MY LORD: With reference to my dispatch No. 79, of the 13th ultimo, I have the honor to inclose copy of a note which I have received from Mr. Foster, submitting the draft of an agreement which he suggests should be effected by an exchange of notes in regard to the preservation of the fisheries in the waters contiguous to Canada and the United States.

Mr. Foster told me a few days ago that he thought, for the reasons which he has repeated in this note, that a convention was unnecessary at the present moment; and that his proposal as to the form of the agreement to be reached would be simpler and more expeditious.

I have, etc.

MICHAEL H. HERBERT.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 6, 1892.

SIR: I have the honor to acknowledge the receipt to-day of your note of the 5th instant, by which you inform me that the Canadian government has accepted the draft agreement for the preservation of the fisheries in the waters contiguous to Canada and the United States proposed in my note to Mr. Herbert, October 4th last.

This reply consequently completes the agreement by exchange of notes as proposed by my communication on the 4th of October last, and fixes this day as the date of the agreement.

I have much pleasure in giving immediate effect to this agreement so far as depends upon the executive power, by informing you that the President has appointed as the representative expert of the United States for the purposes of the stipulated joint investigation, Mr. Richard Rathbun, of the United States Fish Commission.

I beg that you will advise me of the name of the expert to be appointed on behalf of her Majesty's Government in order that Mr. Rathbun may be instructed to confer with his Canadian colleague as to the time of meeting and plan of operations.

I have, etc.,

JOHN W. FOSTER.

Sir Julian Pauncefote to Mr. Foster.

BRITISH LEGATION,
Washington, December 10, 1892. (Received December 12.)

SIR: I have the honor to inform you that a copy of your note of the 24th August last, setting forth the reason which compelled the President to issue his proclamation relative to the Sault Ste. Marie Canal tolls, was transmitted to the Governor-General of Canada, and that I have now received a dispatch from his excellency in reply, forwarding copy of an approved minute of council concurring in a report which the Canadian minister of railways and canals has drawn up on the subject of the Welland Canal tolls and your above-mentioned note.

I have the honor to inclose copy of that communication.

I have, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council, on the 19th November, 1892.

The committee of the privy council have had under consideration a dispatch hereto attached, dated 25th August, 1892, from Her Majesty's chargé d'affaires at Washington, inclosing a copy of a note from the honorable the Secretary of State for the United States, setting forth the reasons which have compelled the President to issue the retaliatory proclamation in relation to the question of canal tolls.

The minister of railways and canals to whom the dispatch and inclosure were referred, reports under date 18th November, 1892 (report hereto attached), in which report the committee concur.

The committee, on the recommendation of the minister of railways and canals, advise that your excellency be moved to forward a copy hereof to the right honorable the Secretary of State for the colonies, and also to Her Majesty's minister at Washington.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

Mr. Herbert to Lord Stanley, of Preston.

BRITISH LEGATION,
Newport, August 25, 1892.

MY LORD: With reference to my telegram of to-day, I have the honor to inclose copy of a note which I have received from the United States Government, in reply to my note of the 20th instant on the canal toll question, setting forth the reasons which have compelled the President to issue the retaliatory proclamation.

I have, etc.,

MICHAEL H. HERBERT.

Memorandum.

DEPARTMENT OF RAILWAYS AND CANALS,
Ottawa, Canada, November 18, 1892.

The undersigned, to whom was referred the communication of the 24th of August, 1892, from the Secretary of State to the British minister at Washington, on the subject of canal tolls, begs to report to your excellency as follows:

The undersigned notes with pleasure Mr. Foster's assurance that the delay which occurred between the passage of the "Curtis bill" on the 26th July, 1892, and its proclamation on the 20th of August following was prompted by a spirit of neighborly good will on the part of the President towards Canada, and by a desire to avail himself of possible concessions on her part to avoid the necessity for its final proclamation. Prompted by an equal desire to avoid any cause of disagreement, and with a view to the continuance of those friendly relations with the United States which it has always been their endeavor to maintain, the government of Canada, while holding firmly to their contention that they were justified in adopting the tariff of tolls and rebates which has been complained of, nevertheless consented to waive their rights in this particular instance and agreed not to reëstablish, after the close of the present season, the system of rebates and transshipment regulations heretofore in force, in consideration of continued immunity from tolls on the Sault Ste. Marie Canal and the restoration to Canada of the right of transit for domestic products under Article 30 of the treaty of Washington, which was abrogated by the United States in 1885. The undersigned regrets that the President was unable to accept this statement, made by the Government of Canada in the minute of council of the 16th August, 1892, as a sufficient reason for indefinitely postponing the imposition of tolls on the Sault Ste. Marie Canal.

The Secretary of State of the United States comments unfavorably upon the fact that he did not receive the dispatch conveying the final action of the Canadian government "until after the issue of the proclamation, and not until one week after the official announcement at Ottawa." The undersigned begs to say that no announcement was made at Ottawa or in Canada, of the decision arrived at by the government, beyond some paragraphs which appeared in the newspapers professing, as a matter of news, to indicate the action taken. The official announcement, forwarded with all possible dispatch through the Governor-General, was in Mr. Foster's hands within one week of the meeting of the council on the 13th August, and on the very day on which the proclamation was issued, and before its issue, Mr. Foster was informed by the British chargé d'affaires, unofficially, of the conclusion which had been arrived at, and was told that the official dispatch was expected by him at any moment. Mr. Foster appears to regard as unnecessary, and somewhat in the nature of a threat, the proviso in the proposal of August 16, to the effect that the undertaking not to reëstablish the system of rebates and transshipment regulations after the present season (upon certain conditions named therein) would not be binding on the Canadian government if the President of the United States should, in the meantime, proclaim and enforce the imposition of tolls on the Sault Ste. Marie canal. In another communication, addressed to the British chargé d'affaires, Mr. Foster cites the proposal as proof that the Canadian government are convinced that their course was in violation of the treaty, or they would not have agreed to abandon the rebate system.

The undersigned begs to remark that neither of these conclusions is warranted. The Canadian government, whilst holding to what they believe to be their right, were willing, for the sake of amity and good feeling, to waive that right in so far as the rebates were concerned after the close of the current season on the conditions that Canadian citizens should have the use as heretofore of the Sault Ste. Marie Canal, and that the privileges of domestic transit should be restored as in article 30 of the treaty of Washington. It was certainly not contemplated by the Government to waive their right in respect of the Canadian canals and at the same time to leave the people and merchandise of Canada subjected to the imposition of tolls on the Sault Ste. Marie Canal. The proviso in the communication of August was simply meant to give expression to this fact, and should not be interpreted as in any sense a "threat;" nor should Canada's attempt to avoid a dispute with the United States in this respect be interpreted as a proof of her conviction of unsoundness in her contentions.

Mr. Foster next draws attention to the neglect of the Canadian government to respond to representations made on the subject of discriminating canal tolls by the United States and cites three instances to prove his contentions.

First. That "in 1888 Mr. Bayard brought the matter to the attention of the Canadian government, but received no response." It is true that in 1888 the subject was brought to the attention of the Government in two ways—one by a note addressed by Mr. Bayard to the British minister at Washington on the 21st July, inclosing a memorandum as to alleged discriminatory rates of toll on the Welland Canal, and

the other by a resolution introduced into Congress by Mr. Dingley on June 4 of that year. Both of these were considered by the Canadian government, and a minute of council was passed thereon, setting forth the facts as to the tolls on the Welland Canal and the St. Lawrence canals, and a certified copy of the minute was, on August 13, 1888, sent to Mr. Bayard by the British minister. The record of this latter fact appears in the United States Foreign Relations, 1888, pp. 816, 825.

In the second place, Mr. Foster states that "in May, 1891, the United States consul-general addressed the Ottawa government without eliciting any information.'"

The undersigned finds that in May, 1891, Consul-General Lay addressed a letter to the late Sir John A. MacDonald, asking whether grain transshipments made at United States ports were precluded from the benefit of rebates? Sir John A. MacDonald personally, perhaps, made no answer; but on April 21 preceding the secretary of the department of railways and canals (over which Sir John was presiding as minister) had, by instruction, answered a precisely similar inquiry from Mr. Lay, furnishing him with the full official information.

The third instance cited is that "in 1891 the British legation was addressed upon the subject without eliciting any reply from the Canadian government."

The dispatch referred to was one inclosing a memorial of the Lake Carriers' Association, and reached the Canadian government on the 23d October, 1891. It was at once referred to the minister of railways and canals for report and engaged the attention of that department, but the report was not expedited, owing to changes in the government consequent upon the death of Sir John A. MacDonald and to the fact that the season was then about closing, not to reopen until the spring of 1892. Before that time the matter was informally discussed in conference of February, 1892, at the State Department in Washington. The delay was fully explained to Mr. Blaine, then Secretary of State for the United States, and to Mr. Foster, the present Secretary, who also took part in the conference; and it is surely a misapprehension for Mr. Foster, writing on the 24th August, 1892, to say that no reply was made, inasmuch as before that date the subject had not only been discussed at the conference of February, but also at a further conference which took place in Washington in June, the dispatch itself being formally replied to later by a minute of council.

The undersigned can not allow to pass, without remark, the statement made by Mr. Foster that Canada is justly chargeable with pursuing an "unneighborly course" in maintaining what she believes to be her rights under the treaty of Washington, nor the assumption that in this matter Canada is willfully violating the terms of the treaty. The difference of opinion which exists as to the treaty rights of the two countries is to be regretted, but it forms no basis for a charge that either country, in maintaining its own views, proceeds with a willful disregard of solemn obligations or a desire to be unfriendly to the other.

The undersigned is confident that a fair review of the conduct of both countries in the matter of privileges of inland navigation will not be to the disadvantage of Canada.

Mr. Foster states that "immediately after the conclusion of the treaty of 1871, * * * the United States took steps to carry out the stipulation of Article 27, and without unreasonable delay the canals of the national and State governments, representing a vast system, constructed at very great expense, were thrown open to the use of Canadian commerce."

The facts are that although the Michigan (Sault Ste. Marie) Canal was immediately opened by that State to the use of Canadian vessels, five full years elapsed from the date of the treaty before Canadian vessels had the privilege of using the New York State canals, and this delay was due, not to any restriction on the part of the State authorities, but solely on account of the legislation of Congress and regulations of the Federal authorities. During this period repeated representations were made by the Canadian Government, but without avail. It was shown that the United States Government required every Canadian vessel to report at the first port in the United States territory and to unload cargo thereat. This regulation prohibited any Canadian vessel from traversing a single mile of the Erie or Champlain canals with cargo, or even from entering with her cargo either of those canals.

Even in 1876, when, through the efforts of the British Government, the representations of Canada were at last heard at Washington, permission was given to Canadian vessels to pass through the Champlain Canal and to go as far as Albany, the first port below the canal, but no further, although the bulk of their cargoes was for New York.

The only canal embraced in the category of those which the United States were to recommend the State governments to grant the equal use of, which has been of benefit to Canada, is the Sault Ste. Marie; the others were actually closed to Canadian vessels up to 1876 in consequence of restrictions imposed and enforced by the United States Government itself, and the concessions of their use subsequently has been of no practical value.

It is worth while in this connection to contrast the neighborly spirit shown by Canada.

In the treaty of 1854 there was a stipulation providing for the use of Canadian and United States reciprocally. From 1854 until 1866, when the treaty was abrogated, United States vessels were granted free and equal use of all the Canadian canals, while not a single State canal was thrown open to the free and equal use of Canadan vessels, nor is there any record that the United States Government during this long period used its friendly offices to that end. Even after the abrogation of this treaty in 1866, and until the ratification of the treaty of 1871, United States vessels were continued in the free and equal use of the Canadian canals, though like reciprocal privileges were not granted Canadian vessels in State canals in the United States.

Since 1871 United States vessels have been allowed to come from the Hudson River ports with cargo, through the Richelieu River, and after traversing the River St. Lawrence, to navigate the Ottawa River and its system of canals (not included in the treaty), taking return cargoes from Ottawa, the great center of lumbering operations, to the Hudson River ports, including New York, thus successfully competing with Canadian vessels, which are debarred from the like privileges in the Hudson River.

The Canadian canals which are open to the equal use of the United States vessels have nearly all a depth of from 9 to 14 feet (the Welland, the one most valuable to American commerce, being 14 feet), have already cost Canada for construction $42,000,000, and taking the period from 1886 to 1891 as an average, necessitate a yearly expenditure, over revenue, of more than $250,000.

It is therefore a fact that while Canadians are practically prevented from the use of the Erie and Champlain canals (being debarred from objective points which might render these canals of value to them as a means of access), the "vast system of canals constructed at very great expense," which Mr. Foster referred to, as opened to Canadian commerce, narrows itself down to the use of St. Clair Flats Channel (which it should be noted Canada has an equal right to use, irrespective of the treaty of 1871) and the Sault Ste. Marie Canal. Of the free use of this latter canal our people are now deprived by the recent proclamation of the President. It may be observed in this connection that by the terms of the transfer of the canal from the State to the Federal Government it was stipulated that the canal should be "free of tolls."

It is plain to which country the great balance of advantage has accrued, and the undersigned believes that Canada has no reason to fear a full comparison of the action of the two governments, as manifested in the record of inland navigation, and of the spirit of fairness and friendliness and respect for treaty obligations which each country has evinced.

The undersigned desires also to observe that in the treaty of 1871 the commissioners stipulated that the privileges of transit for internal commerce across intervening territory of either country were to be granted. For this privilege of transit, to be enjoyed by Canada, she gave in return a like reciprocal privilege to the United States, bound herself to place no export duty on such goods as went in transit, and at large financial cost commuted, for a perpetual yearly payment, the export duty on lumber imposed theretofore by the government of New Brunswick.

In 1885 the United States abrogated clause 30 of the treaty of Washington, and thus deprived Canadians of the benefit of such transit as was therein granted. Canada, however, still allows the United States the privilege of carriage in transit between her ports, and still provides for the export-duty exemption in regard to logs cut in the State of Maine and carried through New Brunswick for export to the United States. In other words, Canada still accords a valuable and costly privilege to the United States after the withdrawal from Canada by the United States of all reciprocal treatment.

The undersigned here desires to call the attention of your excellency to a matter the importance of which consists in a certain seeming imputation of bad faith on the part of the representatives of Canada, which it is desirable to remove. This matter is the mention made in the message of President Harrison to the Senate, transmitted 20th June, 1892, of the report of Mr. Blaine with regard to what transpired in respect of canal tolls at the conference of February, 1892, as to which Mr. Blaine says:

"The fifth was an informal engagement to repeal and abandon the drawback of 18 cents a ton given to wheat that is carried through to Montreal and shipped therefrom to Europe."

The facts are as follows: At the conference of February the discussion of the canal tolls came up unexpectedly, not having been among the subjects set down and agreed upon for discussion. Allusion was made to the fact that there was an unanswered dispatch upon the subject from the United States, and the Canadian delegates assured Mr. Blaine that upon their return to Ottawa they would have the matter taken

up and carefully considered, with a view to meeting any just complaint and disposing of the question in as friendly a spirit as possible.

The following letter written by Mr. Blaine to Hon. N. C. Blanchard on the 15th of February, whilst the conference was in progress at Washington, and when the discussion was fresh in his memory, corroborates this:

"DEPARTMENT OF STATE,
"*Washington, February 15, 1892.*

"SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, relative to the discrimination of the Canadian government against American citizens in the use of the Welland Canal.

"On the 18th of September, 1891, the Lake Carriers' Association presented to this Department a memorial regarding the matter, and the subject was fully presented to Sir Julian Pauncefote, Her Britannic Majesty's minister at this city, on the 10th of October following. No formal reply thereto has been received beyond an acknowledgment of the receipt of the Department's note and a statement by Sir Julian that it had been referred to his Government. The matter has been brought to the attention of the Canadian commissioners now in this city, and an assurance given by them that the complaint which we have preferred shall have careful and prompt consideration, with a view to a faithful observance of the treaty stipulations.

"Replying to your further inquiry, I would say that the only treaty stipulation in force applicable to the use by American and Canadian citizens of the canals connected with the Great Lakes and the St. Lawrence River is contained in the twenty-seventh article of the treaty of Washington, and is clearly intended to be reciprocal in character.

"I have, etc.,

"JAMES G. BLAINE.

"Hon. N. C. BLANCHARD,
"*Chairman Committee on Rivers and Harbors,*
"*House of Representatives.*"

It will be observed that the fourth sentence in Mr. Blaine's letter coincides with the statement of the Canadian delegates, and differs from his later recollections, as contained in the statement of Mr. Blaine to the President. It differs also, it would seem, from Mr. Foster's recollection of what had occurred.

In the later conference of June a certain misunderstanding which appeared to be in the minds of Mr. Blaine and Mr. Foster as to what had previously been said was fully discussed, and, as the Canadian delegates supposed, thoroughly removed, and it can not be regarded as other than a matter for regret that after this it should have been thought necessary to detail the circumstances to Congress in such a way as to give rise to a suspicion of bad faith on the part of the Canadian delegates.

In conclusion, the undersigned would again declare that Canada and the Canadian government are actuated by a desire for the continuation of the most friendly relations between the two countries, and he ventures to hope that upon further consideration of the proposal made to that end by the Canadian government, in August last, the Government of the United States may be inclined to accept it as a reasonable and final settlement of the question in dispute.

The undersigned recommends that your excellency be moved to cause this present document to be communicated to the United States Government and to the Government of Her Britannic Majesty.

Respectfully submitted.

JOHN HAGGART,
Minister of Railways and Canals.

Sir Julian Pauncefote to Mr. Foster.

BRITISH LEGATION,
Washington, December 14, 1892. (Received December 15.)

SIR: I have the honor to inform you that a copy of your note of the 6th September last with respect to wrecking privileges for American vessels in the Welland Canal, was transmitted to the governor-general of Canada, and that I have now received from his excellency in reply a dispatch inclosing copy of an approved minute of privy council concurring in a report of the minister of railways and canals dealing with

the subject, and to which are attached regulations submitted by him with a view of enabling the United States wrecking vessels to render aid to disabled American vessels in the Welland Canal.

I have the honor to inclose a copy of that minute.

I have the honor, etc.,

JULIAN PAUNCEFOTE.

[Inclosure.]

PRIVY COUNCIL, CANADA.

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the governor-general in council, on the 19th November, 1892.

The committee of the privy council have had under consideration a dispatch, hereto attached, dated 9th September, 1892, from Her Majesty's chargé d'affaires at Washington, covering a copy of a note received by him from the Secretary of State for the United States, dated the 6th of September, 1892, in which the Secretary of State acknowledges the receipt of a copy of the minute of council passed on the 27th of August last, with respect to wrecking privileges for American vessels in the Welland Canal whereby there was conveyed the intimation that as the waters of the canal are not "contiguous" to the United States they did not seem to come within the scope of the enactment of last session respecting reciprocity in wrecking and towing.

The minister of railways and canals, to whom the dispatch and inclosures were referred, observes that the Secretary of State in his present communication represents that the President is not prepared to admit certain conclusions of a note, probably addressed to the United States Government by the British chargé d'affaires, which has not been communicated to this government, but which is presumed to have been based on the minute of council of the 27th August last.

The minister further observes that the gist of these conclusions appears to have been that the words "wrecked, disabled, or in distress" (in their ordinary sense) are not applicable to vessels in canals or such waterways.

Upon this the Secretary of State of the United States observes as follows:

"The phrase must evidently be construed with reference to the ordinary navigation of such channels, and any of the lesser casualties to which tugs and their tows, or self-propelled vessels, are liable in such waters, such as an accident to the engine or steering gear, the breaking of the towline, the grounding of a tug or its tow in shallow waters, and the like, constitute a practical case of disability or distress within the purview of the intended reciprocity. Past experience has shown that in such contingencies any assistance rendered by an American vessel, however legitimate, even in the case of a tug picking up or pulling off its own tow, is treated by the Canadian authorities as wrecking and punished accordingly when performed in Canadian waters."

The minister observes further in relation to the foregoing that by section 6 of the Consolidated Orders in Council, Cap. 21, it is expressly provided that the rule prohibiting foreign vessels having other vessels in tow and having parted with them in Canadian waters from again taking them in tow to move them further in Canadian waters shall not apply to "an accidental parting of such vessel by breaking hawser or other temporary damages."

The minister of railways and canals concurs in the view of the Secretary of State for the United States that distress of the temporary nature indicated should be within the purview of the intended reciprocity if it is not otherwise provided for, but the Secretary of State is mistaken if he supposes that assistance in any such case has ever been punished when performed in Canadian canals.

The minister with respect to the main question now under discussion between the two governments, namely, whether the Welland Canal should be included in the reciprocal arrangements for wrecking, and desiring to assist to a satisfactory conclusion, submits for the consideration of your excellency in council a set of regulations which may be found available for the purpose contemplated.

The committee concurring therein recommended that the same be adopted.

The committee advise that your excellency be moved to forward a copy hereof to Her Majesty's minister at Washington.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,
Clerk of the Privy Council.

Special rules and regulations in respect of American wrecking vessels in the Welland Canal.

In the event of an American vessel being wrecked, disabled, or in distress in the course of a passage through the Welland Canal it shall be permitted to American wrecking vessels and their appliances, subject to the existing canal regulations and to the conditions hereunder, to afford assistance to such vessels, provided always:

(1) That such assistance be rendered within such time as the canal authorities consider reasonable in view of the necessity for freeing the canal from obstruction.

(2) That the operations of such wrecking vessels and their appliances shall be conducted to the satisfaction of and carried on within the time or times fixed by the superintending engineer of the canal or other duly authorized officer of the government.

(3) That in the event of delay occurring either in the rendering of the necessary assistance or in the completion of the necessary work of removal of the vessel the canal authorities shall proceed to take such steps as to them may seem necessary.

(4) The concession hereby made shall give no right to any American wrecking vessel or its appliances to lie in the canal except for the time during which it is employed in the actual wrecking operations, or in going to or returning from the same.

Mr. Herbert to Lord Stanley of Preston.

BRITISH LÆGATION, *Newport, September 9, 1892.*

MY LORD: With reference to your excellency's dispatch No. 49 of the 25th ultimo, I have the honor to inclose a copy of a note which I have received from Mr. Foster in which he repeats that the President can not issue his proclamation until he is advised that the Canadian wrecking act can be construed to apply to the Welland Canal.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 28, 1892.

SIR: I have had the honor to receive your note of the 14th instant, transmitting an approved minute of the Canadian privy council in reply to my note of September 6 last, relative to the subject of reciprocal wrecking privileges in the waters contiguous to the United States and Canada.

Adverting to an observation contained in that note, the minute cites section 6 of the consolidated orders in council, chapter 21, to the effect that the rule prohibiting foreign vessels having other vessels in tow and having parted with them in Canadian waters from again taking them in tow to move them further in Canadian waters, shall not apply to "an accidental parting of such vessel by breaking hawser or other temporary damages."

Continuing, it then states that "the Secretary of State is mistaken if he supposes that assistance in any such case (viz, distress of temporary nature indicated) has ever been punished when performed in Canadian canals."

My observation was with respect to "Canadian waters" generally, and not particularly to "Canadian canals;" and it is believed to have been warranted by actual cases cited in Mr. Evarts's note to Sir Edward Thornton December 17, 1878. (Foreign Relations, 1879, p. 481.) While I am glad to be assured that such cases have never happened in the

canals, and that an American tug would not be prohibited from picking up its own tow, from which it had accidentally parted, I regret that assurance could not also have been given that it would be permitted to pull off its own tow if grounded or wrecked, for in that phase of the question rests entirely its pertinence to the present discussion.

As regards the real question at issue, I find it well stated in the minute of the privy council to be "whether the Welland Canal should be included in the reciproeal arrangement for wrecking." For the satisfactory adjustment of that question it submits a set of "special rules and regulations in respect of American wrecking vessels in the Welland Canal," which it hopes may be found available for the purposes contemplated. Having previously explained to you how under the act of Congress of the United States the President is constrained to insist upon the application of the arrangement to that canal, it only remains to determine whether the rules which are proposed will in effect accomplish that purpose. They begin as follows:

> In the event of an American vessel being wrecked, disabled, or in distress in the course of a passage through the Welland Canal, it shall be permitted to American wrecking vessels and their appliances, subject to the existing canal regulations and to the conditions hereunder, to afford assistance to such vessels, provided, always, etc.

Then follow certain restrictions and regulations. The applicability of the rules is expressly limited to the case of aid and assistance to be rendered to an American vessel. It also, by omission, excludes the salvage of property wrecked. The act of Congress of May 24, 1890, proposes to give to Canadian vessels and wrecking appurtenances the privilege of rendering aid and assistance "to Canadian or other vessels and property wrecked, disabled, or in distress." The act of Parliament assented to May 10, 1892, fully recognizes the extent of the proposed reciprocal arrangement by providing in its first section that "United States vessels and wrecking appliances may salve any property wrecked and may render aid and assistance to any vessels wrecked," etc., in the waters of Canada. The rules, therefore, even apart from their conditions and limitations, do not purport to be coterminous with the act of Congress or the act of Parliament. Omitting entirely any provision for the rendering of aid to any other than an American vessel, or for the salvage of property of any vessel, they can not be said in any sense to extend in effect the proposed reciprocal arrangement to the Welland Canal.

The simplest way, and of course the most acceptable one to this Government, would be to have the applicability of the Canadian act, which, as far as it goes, has been accepted as satisfactory, extended by legislation or by order in council, as may be possible, to the Welland Canal. This Government has not been disposed, however, to be strenuous upon the manner in which it is done. Indeed, trusting to a friendly and reasonable interpretation of the conditions and restrictions of the rules under discussion, this Government would accept them as tantamount to such an extension of the arrangement if they were made to apply to all cases of assistance by any vessel of the United States to all vessels and property wrecked.

Occasions for American wrecking vessels and their appliances to render assistance to other than American vessels or to salve property in the Welland Canal would probably be quite infrequent, and were the President not constrained by the positive terms of the act of Congress he might not be disposed to attach so much importance to their inclusion in the arrangement. As it is, he hopes that the probable in-

frequency of such cases may contribute to remove any practical objection thereto on the part of the Canadian government.

The arrangement is one of much importance to the shipping interests of both countries, and I sincerely hope that an agreement may be reached and an arrangement put in force before the opening of navigation the coming season. May I ask you, therefore, to kindly give me a reply to this note as promptly as possible?

I have, etc.,

JOHN W. FOSTER.

Mr. Foster to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, December 31, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, wherein, having reference to my note of the 24th of August last setting forth the reason which compelled the President to issue his proclamation of August 18, 1892, relative to the Sault Ste. Marie Canal tolls, you communicate to me a copy of an approved minute of the Canadian privy council concurring in a report or memorandum which Mr. Haggart, the Canadian minister of railways and canals, has drawn up on the subject of the Welland Canal tolls and my above-mentioned note.

I regret to be again called upon to enter on the unpleasant controversy occasioned by the discriminations maintained against American commerce, but inasmuch as the Canadian minister's report has been embodied in the official communication you are pleased to address to me, it seems necessary that I should advert to certain statements therein, in the interest of a clear understanding, excusing myself, however, from a detailed reply to all the points discussed in the report.

It is true, as stated by Mr. Haggart, that prior to the issuance of the President's proclamation, I was informally advised that a proposition looking to the abandonment of the Welland Canal discriminations was on its way, but the chargé of the British legation, Mr. Herbert, expressly informed me that he was not authorized to make any official statement of its contents. The announcement of the action of the Dominion government as telegraphed by the United States consul-general at Ottawa and confirmed by the Canadian journals, if not "official," as averred by Mr. Haggart, proved to be exceedingly accurate on comparison with the note of Mr. Herbert. The report is incorrect in its allegation that the official announcement of the Canadian proposition was in my hands "on the very day on which the proclamation was issued." The proclamation was issued August 18, 1892, as is shown by the official copy herewith inclosed, and published in the newspapers on August 20th, while Mr. Herbert's note announcing the Canadian determination was dated "August 20, 1892, 7 p. m.," and (Sunday intervening) did not reach the Department until the 22d of August.

The attempt is made in the report to defend the Canadian government against the charge of neglect to respond to the representations made by the Government of the United States on the subject of canal tolls. It seems sufficient in reply to recall the statement made by the British minister in the conference of February last that the Dominion authorities were in default in this matter.

Mr. Haggart repels with much spirit the intimation in my note of August 24, that in respect to the canal tolls the Canadian government was pursuing an "unneighborly course," and in contrasting the conduct of the two governments relative to the use of the canals, he alleges "that full five years elapsed from the date of the treaty (of 1871) before Canadian vessels had the privilege of using the New York State canals," and that "during this period repeated representations were made by the Canadian government, but without avail." The events thus cited are given such gravity and throw so much light upon the present controversy that I deem it important to notice them somewhat in detail.

The use of the New York State canals was the subject of considerable correspondence during the five years following the conclusion of the treaty of 1871, and this correspondence has been published by the Canadian government in two parliamentary documents. It appears from the first of these (Return 111, 3d Sess., 3d Parliament, 1876) that in 1871, within a few months after the treaty had been proclaimed, President Grant addressed letters to the governors of the different States affected by the treaty, calling their attention to the provisions of Article 27. Under date of December 4, 1871, the governor of New York replied that there were "no restrictions now to be found in the laws of the State upon the equal use of the canals by British subjects and American citizens," and the British minister in Washington was so advised (Return 111, pp. 1, 2). Thus matters rested until November 18, 1874, when a complaint from the privy council of Canada was forwarded to Washington that Canadian vessels were excluded from the use of the Whitehall (Champlain) and Erie canals in violation of Article 27 of the treaty. (*Ibid.*, p. 4.) But after considerable correspondence and a thorough investigation, a minute in council, approved by the governor-general of Canada, February 18, 1875, declared that no case of exclusion could be found, and "that the Canadian government no longer continues to be of opinion that Canadian vessels are excluded from the canals of the State of New York." (*Ibid.*, p. 11.)

However, in August, 1875, the Canadian minister of customs submitted, through the privy council and the British minister, a complaint to Washington that the collector of the United States customs at Rouses Point refused to permit a cargo of lumber shipped at Brockville, Canada, to pass through the Champlain Canal to the port of New York, and, further, that the collector at Plattsburg had decided that Canadian barges would not be allowed "to pass from Rouses Point to New York with foreign merchandise in bond." The impelling motive of the complaint is found in the following statement of the report: "The principal value of the free navigation of the Champlain Canal to Canadian vessels consists in the right to carry cargoes by that route to the port of New York;" adding that the decision of the collector at Plattsburg "renders the provision of the Washington treaty, so far as the navigation of that canal is concerned, practically useless to Canada." (*Ibid.*, p. 14.)

The subject was brought to the attention of the Secretary of State at Washington by the British minister on September 6, 1875, and on October 9 the Secretary of the Treasury, Mr. Bristow, replied that under Article 27 of the treaty of Washington, "the use of the Champlain Canal could be granted to Canadian vessels destined with cargoes to the southern terminus of the canal," but that it did not recognize "the right of Canadian vessels to transport cargoes in bond from Canada to New York." (*Ibid.*, p. 24.)

This action of the Government of the United States is characterized in one of the documents transmitted to the Canadian parliament, as furnishing "another illustration (if any were necessary) of the extraordinary propensity which seems inherent in the American statesmen to evade in every possible way the fulfillment of their treaty, or other obligations, whenever and wherever the people of Canada appear to be in the remotest degree concerned." (Return 104, 1877, p. 6.)

During the correspondence in 1876 it was developed that an old Treasury regulation, based upon a law enacted in 1799, required goods in Canadian vessels destined to an interior port of the United States to be unloaded at the frontier, but on attention being called to the fact the regulation was at once modified to allow of the unobstructed passage of such vessels and cargoes to the southern terminus of the canal at Albany. It does not appear that this regulation ever deprived a single vessel of the free navigation of the canal. It was the larger question of the navigation of the Hudson River which operated to the disadvantage of the Canadian vessels, and of this the Canadian government complained. The Government of the United States met this complaint with the frank statement that the treaty did not secure to Canadian vessels the use of the Hudson River; and this position has never been seriously controverted by the British Government or the Canadian authorities. It is, however, a significant fact that the discriminating tolls in the Welland Canal were not imposed on American commerce until after it became apparent that the free navigation of the Hudson River could not be obtained under the treaty of 1871; and it is further worth noting in this connection that the Canadian Government has offered to remove those discriminating tolls if the navigation of the Hudson River should be conceded to Canadian vessels.

It appears to be contended by Mr. Haggart that the opening of the New York canals to Canadian traffic, when accomplished, fell short of the intendment of the treaty of Washington, because "permission was given to Canadian vessels to pass through the Champlain Canal and to go as far as Albany, the first port below the canal, but no further, although the bulk of their cargoes was for New York." The minister ignores the salient fact that the Hudson River is a natural waterway, rising and lying wholly within the territory of the United States, and in no sense an international water course to which the riparian rules of international law are applicable. In the conferences which preceded the signature of the treaty of Washington, this question of the international right to navigate natural water courses belonging to adjacent States was fully considered, resulting in the stipulation of Article 26 for the equal use of the St. Lawrence, and the Yukon, Porcupine, and Stikine rivers, an engagement which fitly stands alone as the formal expression of a natural right, independently of the conventional rights created by other articles of that treaty. The use of the Hudson River does not appear to have been considered in this relation.

That Canada permits American vessels to enter and use the Ottawa River is not in point, for the right to do so is not claimed by the United States as flowing from the engagements of the treaty of Washington, or as a natural right. It may be more properly estimated as an interested act on the part of Canada for her own advantage by opening wider markets for Canadian products.

I note the minister's observation that, "It is plain to which country the great balance of advantage has accrued" from the engagements of the treaty of Washington. The statement of the protocolists of the Joint High Commission, which framed that treaty, shows that this ques-

tion of mutual advantage was most scrupulously and fairly weighed, detail being offset against detail, and arrangements devised for their realization for a term of years, after which their continuance was optional with either party. Some of the most important of these terminable engagements remain unabrogated, others, though abrogated as a matter of formal record, continue in great part as a matter of convenience and interest by concurrent sufferance. If Canada continues in practice certain phases of the abrogated provisions of Article 30, it must be assumed that she finds it to her advantage to do so, for it could hardly be expected that she would voluntarily sacrifice her rightful interests for any abstract theory of neighborliness. I should be very sorry to expose my Government to the charge of want of international comity, but when it is remembered that the maintenance of the provisions of Article 30 by the Dominion government enables its railroads to reap a large and profitable harvest from a portion of the American carrying trade, in successful competition with our own railroads on account of the interstate commerce law, the action of the Canadian government in this respect does not seem to call for a relaxation of the attitude of the United States on the canal tolls.

As to the minister's controversion of the mention, made in President Harrison's message of June 20, 1892, of the understanding reached in the conference of February, 1892, with regard to the canal tolls, I can only say that the considerations advanced by Mr. Haggart do not in any wise make necessary a revision of Mr. Blaine's report of the February conference, as explained by the undersigned in his report of the June conference. The citation made from the letter of Mr. Blaine to Mr. Blanchard certainly does not sustain the minister's contention. On the very day the conference adjourned and while the animated discussion as to the discriminating tolls was fresh in his mind, Mr. Blaine wrote that "an assurance had been given by them (the Canadian commissioners) that the complaint we have preferred shall have careful and prompt consideration, *with a view to a faithful observance of the treaty stipulations.*" The commissioners who were present at that conference certainly have not forgotten the vehemence with which Mr. Blaine characterized the discriminating tolls as a plain and unjustifiable violation of Article 27 of the treaty; and it is a trifling with words to contend that he did not understand the assurance given was in effect to result in a removal of the objectionable discrimination. Assuredly he did not expect the abrupt reimposition, without notice or intimation of any kind to this Government, of all the objectionable and violative provisions of the order of the preceding year and even with additional discriminations. I cheerfully bear witness to the good disposition and friendly assurances of the Canadian commissioners in the February conference, as in gratifying contrast with the subsequent action of the Dominion government.

It only remains for me to notice the proposal which is renewed in the memorandum transmitted with your note of the 10th instant, as a basis of settlement of the existing controversy, to wit; "Not to reëstablish, after the close of the present season, the system of rebates and transshipment regulations heretofore in force, in consideration of continued immunity from tolls on the Sault Ste. Marie Canal, and *the restoration to Canada of the right of transit for domestic products under Article 30 of the treaty of Washington, which was abrogated by the United States in 1885.*" It would seem sufficient to say in reply that this proposal, as contained in the note of your legation of June 24th last, was transmitted to the Congress of the United States by the President, and was

before that body when it passed the act of July 26, 1892, authorizing and directing the President to impose tolls on the Sault Ste. Marie Canal. This action of Congress, taken with such unanimity, must be accepted by the Executive as expressive of the judgment of the legislative department of the Government that the proposal now renewed is inadequate and inadmissible, and I am directed by the President to say that in this judgment he fully concurs.

The question at issue respecting the canal tolls is a plain one. Article 27 "secures to citizens of the United States the use of the Welland * * * Canal * * * on terms of equality with the inhabitants of the Dominion. The Canadian government claims the right to charge products passing through the Welland Canal destined for export by way of Montreal 18 cents per ton less tolls than products destined for export via an American lake or river port and over an American railroad to the seaboard. The Government of the United States claims that this is a discrimination against American ports and lines of transportation, and hence against American citizens, and that, therefore, it is a violation of the treaty. It does not settle this issue on its merits to grant to Canadian vessels the right (not now possessed by them) to navigate the Hudson River, or to grant Canadian products a right of transit, which has been formally withdrawn from them. The Government of the United States is fully convinced of the justice of its claims, and it can neither in equity nor in honor consent to purchase a compliance with a solemn treaty stipulation, by a further concession not required or contemplated by the treaty.

The President has seen with regret that the Dominion government, under the circumstances indicated, has thought proper to renew the proposal of June last, after it had been found inadmissible. He had earnestly hoped that an assurance would be seasonably given that the objectionable discriminating order against American commerce would not be renewed for the coming year. He still cherishes the hope that the Canadian government may conclude that the course which it has followed in this matter does not tend to promote the good relations which should exist between two neighboring countries, and, in his name, I appeal to you, Mr. Minister, to exert your good offices to bring about a better understanding upon the basis of a faithful observance of treaty stipulations.

I have, etc.,

JOHN W. FOSTER.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, by an act of Congress approved July 26, 1892, entitled "An act to enforce reciprocal commercial relations between the United States and Canada, and for other purposes," it is provided "That, with a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States, on and after the first day of August, eighteen hundred and ninety-two, whenever and so often as the President shall be satisfied that the passage through any canal or lock connected with the navigation of the Saint Lawrence River, the Great Lakes, or the water ways connecting the same, of any vessels of the United States, or of cargoes or passengers in transit to any port of the United States, is prohibited or is made difficult or burdensome by the imposition of tolls or otherwise which, in view of the free passage through the St. Marys Falls Canal, now permitted to vessels of all nations, he shall deem to be reciprocally unjust and unreasonable, he shall have the power, and it

shall be his duty, to suspend, by proclamation to that effect, for such time and to such extent (including absolute prohibition) as he shall deem just, the right of free passage through the Saint Marys Falls Canal, so far as it relates to vessels owned by the subjects of the governments so discriminating against the citizens, ports, or vessels of the United States, or to any cargoes, portions of cargoes, or passengers in transit to the ports of the government making such discrimination, whether carried in vessels of the United States or of other nations.

"In such case and during such suspension tolls shall be levied, collected, and paid as follows, to wit: Upon freight of whatever kind or description, not to exceed two dollars per ton; upon passengers, not to exceed five dollars each, as shall be from time to time determined by the President: *Provided*, That no tolls shall be charged or collected upon freight or passengers carried to and landed at Ogdensburg, or any port west of Ogdensburg, and south of a line drawn from the northern boundary of the State of New York through the Saint Lawrence River, the Great Lakes, and their connecting channels to the northern boundary of the State of Minnesota.

"SEC. 2. All tolls so charged shall be collected under such regulations as shall be prescribed by the Secretary of the Treasury, who may require the master of each vessel to furnish a sworn statement of the amount and kind of cargo and the number of passengers carried and the destination of the same, and such proof of the actual delivery of such cargo or passengers at some port or place within the limits above named as he shall deem satisfactory; and until such proof is furnished such freight and passengers may be considered to have been landed at some port or place outside of those limits, and the amount of tolls which would have accrued if they had been so delivered shall constitute a lien, which may be enforced against the vessel in default wherever and whenever found in the waters of the United States;" and

Whereas the government of the Dominion of Canada imposes a toll amounting to about 20 cents per ton on all freight passing through the Welland Canal in transit to a port of the United States, and also a further toll on all vessels of the United States and on all passengers in transit to a port of the United States, all of which tolls are without rebate; and

Whereas the government of the Dominion of Canada in accordance with an order in council of April 4, 1892, refunds 18 cents per ton of the 20-cent toll at the Welland Canal on wheat, Indian corn, pease, barley, rye, oats, flaxseed, and buckwheat, upon condition that they are originally shipped for and carried to Montreal or some port east of Montreal for export, and that, if transhipped at an intermediate point, such transhipment is made within the Dominion of Canada, but allows no such nor any other rebate on said products when shipped to a port of the United States or when carried to Montreal for export if transhipped within the United States; and

Whereas the government of the Dominion of Canada by said system of rebate and otherwise discriminates against the citizens of the United States in the use of said Welland Canal in violation of the provisions of Article 27 of the treaty of Washington, concluded May 8, 1871; and

Whereas said Welland Canal is connected with the navigation of the Great Lakes, and I am satisfied that the passage through it of cargoes in transit to ports of the United States is made difficult and burdensome by said discriminating system of rebate and otherwise, and is reciprocally unjust and unreasonable;

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the power to that end conferred upon me by said act of Congress approved July 26, 1892, do hereby direct that from and after September 1, 1892, until further notice, a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Mary's Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations; and to that extent I do hereby suspend from and after said date the right of free passage through said St. Mary's Falls Canal of any and all cargoes or portions of cargoes in transit to Canadian ports.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this 18th day of August, in the year of our Lord one thousand eight hundred and ninety two, and of the Independence of the United States of America the one hundred and seventeenth.

[SEAL.] BENJ. HARRISON.

By the President,

JOHN W. FOSTER,

Secretary of State.

GREECE.

Mr. Beale to Mr. Foster.

No. 7.] LEGATION OF THE UNITED STATES,
Athens, November 17, 1892. (Received December 6.)

SIR: I think it will be of interest to the Government to know that the cholera here and in the East, as an epidemic, is over; and that it will be a matter of satisfaction to the Department to hear that in the country where the ravages of this epidemic were the greatest (in Persia) our representative and the American missionaries did credit to the American name. Our representative remained at his post. It has been reported to me since I left Persia that when the cholera was at its height and the people in Teheran were dying in the streets it occurred to Mr. Fox, our representative, to open the American Hospital to people of all religions. After a conference with the missionaries of that station it was found that they had not funds sufficient to carry out Mr. Fox's plan.

Mr. Fox at once applied to the ministers of other countries, who warmly seconded his plan and gave it substantial aid. This at once brought our representative to the front as one of the leaders of the foreigners in Persia. All news that the foreigners received in relation to the epidemic came through and from him. The English officials placed their system of government telegraphs at his disposal. The hospital was filled with Europeans, Persians, and Americans.

The indirect effect of this work was very great. It came at a time when most needed. When I left that country, but a few months ago, western enterprises were in disfavor. The tobacco monopoly had been abolished; the export privileges of that company had been taken from it; the managers of other western enterprises feared they would not have the aid and good will of the Persians. Many of the leading Persians were objecting to all attempts to develop Persia by means of western capital; the people of western nations had reached the very zero of their unpopularity. The hospital work arrested the feeling of distrust that was rapidly spreading in Persia. It remained for Mr. Fox and the missionaries who coöperated with him to restore the faith and confidence in foreigners that seemed, for a time, to be lost. The conception of this plan and the vigor with which our representative and the missionaries executed it have done more for American prestige in Persia than anything that has been done since our legation there has been established.

I have, etc.,

TRUXTUN BEALE.

HAWAIIAN ISLANDS.

Mr. Blaine to Mr. Stevens.

No. 33.] DEPARTMENT OF STATE,
Washington, November 27, 1891.

SIR: On the 1st instant the Department received the sad tidings of the death of Mr. H. A. P. Carter, the envoy extraordinary and minister plenipotentiary accredited by Her Hawaiian Majesty near the Government of the United States.

The President was immediately acquainted with this melancholy event, and directed me to express to his son, Mr. George R. Carter, and through him to the family of the deceased, his sincere sorrow for the loss of one who, as the representative of a friendly nation, had long and acceptably fulfilled the duties of his high office and done so much to consolidate the friendship of the two countries; and who, in his personal relations with the officers of this Government, had so deservedly won the esteem and confidence of all with whom he was brought into association.

For myself I gave expression to the feeling of personal loss that comes from the death of one with whom my intercourse had ever been especially intimate, and whom I had always been delighted to call a friend.

I also directed Mr. Sevellon A. Brown, the chief clerk of this Department, to repair to New York and attend the funeral of the deceased as my representative. Instructions had also been given by the Secretaries of War and of the Navy to the commanders of the military post at Governors Island and of the Brooklyn Navy-yard to detail an escort of soldiers and marines under their respective commands to attend the funeral, but in deference to the wishes of the family of the deceased, who desired the services to be as simple as possible, such instructions were revoked.

You will make suitable communication of these instructions to the minister of foreign affairs.

I am, etc.,

JAMES G. BLAINE.

Mr. Stevens to Mr. Blaine.

No. 44.] LEGATION OF THE UNITED STATES,
Honolulu, January 25, 1892. (Received February 15.)

SIR: The customs authorities here have been in the practice of exacting from American merchant captains a fee or fine of $25 for each Chinaman coming here as a seaman in the service of the ship, claiming that this was for watching him while he was here. This being

recently reported to me by the consul, I have demanded the refunding of the money and a final abandonment of like procedure in the future. I have maintained that the established course of the United States allows no distinction of nationalities of men in service under the American flag; that so long as they are in duly enlisted service on American vessels the presumption must be maintained that they are so far American citizens. To this, on advice of the Hawaiian attorney-general, the customs officials have yielded.

But suppose the attorney-general should decide, as I have good reasons to believe he will, to advise the customs officials to demand that the United States consul must require the American vessel to give a bond of $50 or $100, on discharge of a Chinese sailor arriving here on said vessel from an American or foreign port, to the effect that said Chinaman shall work only on rice or sugar plantations in this country after discharge from the vessel, or return him to whence he was taken. Against giving any such bond my advice is emphatic. Under the Hawaiian civil code, adopted years since, the consul can discharge American sailors here any time within sixty days after arrival here. But recently restrictive laws have been passed by the legislature regarding the admission of Chinese. So long as the Chinaman is in legal service on board the American vessel I have no doubt he must be considered as an American sailor, as I have maintained during my service here and in other countries. I have always made it a rule to insist on the rights of the American vessel and flag to the full limit permitted by maritime legal authorities and the facts, and to demand nothing beyond, though always giving my own country the benefit of doubt. As to the right of the consul to discharge the Chinese-American sailor here I am not free from strong doubt, especially in view of the restrictive policy of the United States in respect of Chinese. Can I demand of the Hawaiian officials what the United States officials at San Francisco or Tacoma can not in like cases permit? If the United States vessel brings the Chinaman here as an American sailor, must not the American vessel take him away as an American sailor? Will the Department of State give its decision on this point?

I am, etc.,

JOHN L. STEVENS.

Mr. Blaine to Mr. Stevens.

No. 38.] DEPARTMENT OF STATE,
Washington, February 25, 1892.

SIR: I have to acknowledge the receipt of your dispatch No. 44, of the 25th ultimo relative to the subject of Chinese sailors enlisted on American merchantmen. You state that the customs authorities of Hawaii have exacted of the captains of American vessels a fee or fine of $25 for each Chinese coming there as a seaman in the service of the ship, claiming that it was for watching him while there; but that on your request the authorities have decided to refund the money so exacted, and to discontinue the imposition of such a fee in the future. You suggest a fear, however, that in case the captain of an American vessel should desire to discharge a Chinese sailor in Hawaii the authorities may require the captain to give a bond that the discharged sailor

shall only work on rice or sugar plantations, or that the vessel will return him to the country whence he came; and you ask my instructions in the premises.

In the late case of Tu re Ross (140 U. S., 472) decided by the Supreme Court May 25, 1891, Mr. Justice Field, having under consideration the status of an alien enlisted on an American ship, said:

> By such enlistment he becomes an American seaman—one of an American crew on board of an American vessel—and as such entitled to the protection and benefit of all the laws passed by Congress on behalf of American seamen and subject to all their obligations and liabilities. * * * He could then insist upon treatment as an American seaman and invoke for his protection all the power of the United States which could be called into exercise for the protection of seamen who were native born. He owes for that time to the country to which the ship on which he is serving belongs, a temporary allegiance.

So long as a Chinese remains an American seaman he is entitled to the same protecting care of the authorities of the United States as other American sailors. Our law recognizes the changed status of a Chinese while a sailor, and it has been held that a Chinese seaman coming into the ports of this country is not inhibited by the Chinese exclusion acts from temporarily landing on shore without any attempt to remain. (Tu re Moncan, 14 Fed. Rep., 44; Tu re Ah Kee, 22 Fed. Rep., 519.) But if such a person should not depart with his vessel or with some other vessel in the ordinary pursuit of his vocation upon the high seas, his presence in the country would become unlawful. And so, without respect to his status, so long as he remains a sailor a vessel could not be permitted to discharge a Chinese in one of our ports and leave him in this country in violation of our laws prohibiting the importation of Chinese laborers.

On the 25th of November last the British minister complained to this Government that the authorities of the port of Baltimore had warned the captain of the British ship *Oxford*, lately arrived at that port manned by a Chinese crew, that any member of the crew who landed would under existing law be liable to arrest. The matter was called to the attention of the Treasury Department, which, on the 2d day of December, replied that it would "instruct the collector of the port that as the Chinamen are seamen their temporary landing for the purposes of the vessel, without any attempt to remain in the United States, may be permitted, but that care is to be taken that they depart from the United States in the ship."

The present law of this country excludes Chinese laborers, and its execution requires reasonable regulations. We can not deny the same right to any other government. The proper distinction is whether such regulations are a reasonable incident of such laws. The imposition of a fine or fee under the circumstances and for the purposes indicated in your dispatch does not seem to have been such a regulation, and I therefore learn with pleasure that it is proposed to discontinue it. This Government, however, can not object to a regulation prohibiting or regulating the discharge of Chinese sailors in Hawaii which is general in its application and is warranted by the laws of that kingdom.

I am, etc.,

JAMES G. BLAINE.

CORRESPONDENCE WITH THE LEGATION OF THE HAWAIIAN ISLANDS, AT WASHINGTON.

Mr. Carter to Mr. Blaine.

EVERETT HOUSE,
New York City, November 1, 1891.

SIR: It is in the deepest sorrow that I am obliged to notify you of the death of my father, his excellency, H. A. P. Carter, Her Hawaiian Majesty's late envoy extraordinary and minister plenipotentiary, whose good fortune it has been to enjoy peculiarly pleasant and cordial relations with you, both officially and privately.

His condition has been critical since his arrival from Europe on September 24, and he died this morning at 1:30 o'clock. Funeral services will be held here within the week and with due dispatch we shall transport his remains through San Francisco to Honolulu.

May I also bring to your notice the appointment of the ex-minister of finance by her majesty, and with the approval of my father, the Hon. J. Mott Smith as special envoy and chargé d'affaires *pro tem.*, who will soon arrive in Washington to take charge of the legation and its archives.

It was my father's hope that this appointment would meet your approval, and that Hawaii might continue to enjoy the particularly friendly and happy relations now existing with the United States of America.

I have, etc.,

GEO. R. CARTER.

Mr. Blaine to Mr. Carter.

DEPARTMENT OF STATE,
Washington, November 3, 1891.

SIR: I have received with deep regret your communication of the 1st instant, informing me of the death of your father, the envoy extraordinary and minister plenipotentiary accredited by Her Hawaiian Majesty to the Government of the United States.

Upon acquainting the President with this melancholy event, he directs me to express to you and through you to the family of the deceased his sincere sorrow for the loss of one who, as the representative of a friendly nation had long and acceptably fulfilled the duties of his high office and done so much to consolidate the friendship of the two countries, and who, in his personal relations with the officers of this Government had so deservedly won the esteem and confidence of all with whom he was brought into association.

For my part, I beg to add my own condolences and to express the feeling of personal loss that comes to me with the death of one with whom my intercourse has ever been especially intimate and whom I have been glad to call a friend.

An instruction of regret and condolence will be sent in due course to the United States minister at Honolulu for communication to his excellency the minister for foreign affairs of Her Majesty the Queen.

Mr. Sevellon A. Brown, the chief clerk of the Department, has been detailed as the representative therefrom, to attend the funeral of the late envoy at New York.

I note your announcement of the designation of Mr. J. Mott Smith as special envoy and chargé d'affaires *pro tem.* of Her Hawaiian Majesty, and that he may be expected soon to reach Washington.

I am, etc.,

JAMES G. BLAINE.

Mr. Smith to Mr. Blaine.

HAWAIIAN LEGATION,
Washington, D. C., December 5, 1891. (Received December 8.)

SIR: I am instructed to convey to you the recognition and high appreciation of Her Majesty the Queen, and of her Government, of the official courtesies tendered on the occasion of the obsequies of Hon. H. A. P. Carter, Her Majesty's late minister plenipotentiary and envoy extraordinary.

Permit me, Mr. Secretary, to add my personal appreciation also of the official respect shown to the memory of my late distinguished friend.

I have, etc.,

J. MOTT SMITH.

Mr. Blaine to Mr. Smith.

DEPARTMENT OF STATE,
Washington, December 9, 1891.

SIR: I have the honor to acknowledge the receipt of your note of 5th instant, in which you convey an expression of Her Majesty and the Government of Hawaii of their appreciation of the official courtesies tendered by this Government on the occasion of the obsequies of the late lamented Mr. Carter, so long and so ably representing Hawaii, as envoy extraordinary and minister plenipotentiary at Washington, and also signifying your personal appreciation of these courtesies. The courtesy of Her Majesty and of Her Majesty's Government, and your own thoughtfulness, as evinced in your esteemed note, are very gratifying.

Accept, etc.,

JAMES G. BLAINE.

HAITI.

Mr. Durham to Mr. Blaine.

No. 36.] LEGATION OF THE UNITED STATES,
Port au Prince, Haiti, January 7, 1892. (Received January 26, 1892.)

SIR: I regret to have to inform you that the political situation here is uncertain. Two refugees have already asked the asylum of my residence at Turgeau.

I am etc.,

JOHN S. DURHAM.

Mr. Blaine to Mr. Durham.

No. 29.] DEPARTMENT OF STATE,
Washington, January 28, 1892.

SIR: In your dispatch No. 36, of the 7th instant, with reference to the uncertainties of the political situation in Haiti at the time of writing, you say that two refugees have already asked the asylum of your residence at Turgeau.

It is trusted that no occasion may arise to revive the question of asylum in Haiti, which has heretofore so often been the occasion of correspondence. The practice has several times been very positively discountenanced by the instructions of this Department, and certainly no support can be found for its exercise in advance of apprehended necessity therefor. It is not inferred from your report that you have actually sheltered the refugees of whom you speak, and under the circumstances, you should scrupulously abstain from any action which might bear the appearance of inviting asylum, or improvidently granting shelter.

As was said in an instruction of October 31, 1888, to Mr. Goutier, then consul at Cape Haitien:

> We do not regard extraterritorial asylum, either in a legation or in a consulate, as a right to be claimed under international law. We do not sanction or invite the exercise of asylum in those countries where it actually exists as a usage; but in such cases we recognize and admit its existence, and should circumstances bring about the uninvited resort of a political refugee for shelter to a consulate or legation of the United States, we should expect equal toleration and privilege in this regard with that allowed by such local usage to any other consulate or legation. (F. R. 1888, p. 938.)

Your attention is especially directed to that part of the Printed Personal Instructions, section 48, which enjoins upon the representatives of this Government the avoidance of all pretexts for the exercise of asylum.

I am, etc.,

JAMES G. BLAINE.

Mr. Durham to Mr. Blaine.

No. 47.] LEGATION OF THE UNITED STATES,
Port au Prince, Haiti, February 11, 1892. (Received February 26.)

SIR: I beg leave to acknowledge the receipt of your dispatch, No. 29, Diplomatic series, in which you refer to my No. 36, January 7, and repeat the Department's instructions concerning the question of asylum in Haiti.

The previous instructions of the Department were so clear to me at the time that I declined to entertain the applications. The two applicants to whom I refer in my dispatch were afterwards received at the French legation and granted asylum there.

No refugees have been received at either the legation or my residence during my incumbency here.

I am, etc.,

JOHN S. DURHAM.

ITALY.

CORRESPONDENCE WITH THE LEGATION OF ITALY AT WASHINGTON.

Mr. Foster to Baron Fava.

DEPARTMENT OF STATE,
Washington, July 1, 1892.

SIR: In reply to your inquiries concerning the celebration of the anniversary of the discovery of America, I beg leave to say that the ceremonies in the city of New York are under the direction of the State and municipal authorities, and the national Government has nothing to do with them. However, in the law authorizing the exposition at Chicago, there is a provision for a grand naval review to be held in the harbor of New York in April next, to which the nations of the world will be invited to send their fleets. The provision for this review is contained in the naval appropriation bill now pending in Congress, and formal action will be taken by the executive authorities immediately upon the passage of that measure.

Accept, sir, etc.,

JOHN W. FOSTER.

Mr. Foster to Baron Fava.

DEPARTMENT OF STATE,
Washington, July 18, 1892.

MY DEAR BARON: As promised by me in our interview this morning, I take pleasure in herewith inclosing a copy of the letter from the Acting Secretary of the Navy, of the 18th instant, the original of which you read.

I desire to assure you of my cordial participation in the sentiments expressed by Mr. Soley.

Very truly yours,

JOHN W. FOSTER.

[Inclosure.]

Mr. Soley to Mr. Foster.

NAVY DEPARTMENT,
Washington, July 18, 1892.

SIR: The Department is informed, from unofficial sources, of a possibility that the steamer bearing the statue of Columbus, a gift of Italian-Americans to the city of New York, may be accompanied to the United States by a vessel of war of the Kingdom of Italy.

I have the honor, on behalf of the Navy Department, to say with what cordial satisfaction it views the prospect of such a visit, and to express the sincere hope that the Italian Government may decide to dispatch one of its war vessels upon this occasion of special interest to the two nations.

I would further say that in case of the arrival of an Italian vessel of war in our waters, above all, upon such a mission, it will be the agreeable duty of the Navy Department to tender to it a most cordial welcome, worthy of such an honored visitor, and expressive of the strong and loyal sentiment of friendship with which this country regards the Government and people of Italy.

I have etc.,

JAMES R. SOLEY,
Acting Secretary of the Navy.

Baron Fava to Mr. Foster.

LEGATION OF ITALY,
Washington, D. C., July 21, 1892. (Received July 21.)

MY DEAR MR. FOSTER: I notified by cable to his excellency the minister of foreign affairs the contents of yours of the 18th instant, and also the note of the Acting Secretary of the Navy.

In answer, his excellency cablegrams as follows:

"Willingly accepting courteous invitation I now order that the royal cruiser '*Bausan*' be at New York in the beginning of October."

I desire to assure you, and, through you, the Hon. Mr. Soley, of the intense pleasure I feel in making you this communication.

Very truly yours,

FAVA.

The President to King Humbert.

[Telegram.]

WASHINGTON, *July 21, 1892.*

The offer to send an Italian cruiser to participate in ceremonies at New York, in October, affords me occasion to express to Your Majesty my gratification at this signal tribute to the long and steadfast friendship of Italy and the United States.

BENJ. HARRISON.

Mr. Foster to Baron Fava.

DEPARTMENT OF STATE,
Washington, July 21, 1892.

DEAR BARON FAVA: In pursuance of my promise made in our conversation of this morning, I have much pleasure in handing you a copy of the telegram sent to-day by the President to His Majesty King Humbert. This whole episode, reflecting as it does the cordial sentiments of two friendly peoples, has been most gratifying to me.

I am, etc.,

JOHN W. FOSTER.

King Humbert to the President

[Translation.]

MONZA ROYAL CASTLE,
July 23, 1892.

BENJAMIN HARRISON,
President of the United States,
Washington:

In the solemnization at New York of glorious remembrances my will was that by its participation my Government might attest the sound friendship which binds Italy to the great people of the United States. I thank you for having so nobly received this, my sentiment.

HUMBERT.

Baron Fava to Mr. Foster.

[Translation.]

LEGATION OF ITALY,
Washington, July 24, 1892. (Received July 25.)

DEAR MR. FOSTER: His Majesty the King, my august sovereign, yesterday directed to the President a telegram of which I have the honor to transmit to you herewith a copy.

In giving me this notice, his excellency the minister of foreign affairs, charges me to testify to you all the satisfaction experienced by the Italian Government for the present high manifestation of the reciprocal cordiality of the friendly sentiments between the two nations.

Believe me, etc.,

FAVA.

Baron Fava to Mr. Foster.

LEGATION OF ITALY,
Washington, July 30, 1892.

About the end of August or in the beginning of next September their majesties the King and the Queen of Italy will go to visit the Columbian Exhibition in Genoa.

It being also His Majesty's desire that the royal navy of Italy should participate in the celebration in honor of Columbus, a squadron of it will be present on that occasion in the port of Genoa, where many foreign men-of-war will assemble for the circumstance.

The presence in Genoa of some of the splendid vessels of the United States at that time would be very gratefully desired and highly appreciated.

Baron Fava to Mr. Foster.

[Translation.]

LEGATION OF ITALY,
Washington, August 6, 1892.

MR. SECRETARY OF STATE:

I am informed by the executive committee in charge of the monument to be erected to Christopher Columbus in New York, on the occa-

sion of the celebration to be held October next, that the said monument will probably arrive at that port toward the end of the present month on board the transport ship *Garigliano* of the royal navy, the use of which has been granted for that purpose by the Government of the King.

In giving notice of the probable arrival this month of the said monument the said committee also bespoke my good offices near the Federal Government to the end of obtaining free entry of the monument, this not being a commercial matter, but a gift to the city of New York.

In view of these motives I take the liberty of recommending to your excellency the wish of the aforesaid executive committee, in order that you be pleased, if no objection exist, to move the Department of the Treasury to issue the necessary orders to the customs of New York for the landing free of duty of the monument herein referred to.

Accept, etc.,

FAVA.

Baron Fava to Mr. Foster.

LEGATION OF ITALY,
Lenox, Mass., August 6, 1892.

My DEAR MR. FOSTER: As promised by me in our interview of the 1st instant, I have now the honor to inform you that, according to a cablegram just received from his excellency the minister of foreign office, His Majesty the King will arrive in Genoa the 7th or the 8th of September next. Please notify this information to the honorable Mr. Tracy.

You will exceedingly oblige me in forwarding me to Lenox, Mass., the communication expected by you from the Navy Department concerning the Columbian celebration at Genoa. I did not fail according to your authorization to cable to my Government, as soon as I left the State Department last Monday, August the 1st, that the *Newark* and the *Bennington* will be present at the said celebration.

If you have anything urgent to communicate to me on that purpose, please wire me at Lenox, Mass., Hotel Curtis.

Deeply grateful, etc.,

BARON FAVA.

Baron Fava to Mr. Foster.

LEGATION OF ITALY,
Lenox, Mass., August 9, 1892. (Received August 12.)

SIR: I received just now from his excellency the Italian minister of foreign affairs, the cablegram of which I have the honor to forward herewith the copy.

By said cablegram Mr. Brin communicates to me that, having learned the United States Government's resolution to send two men-of-war to Genoa on the occasion of the royal visit to the Columbian Exhibition, His Majesty the King, my august sovereign, directs me to be the interpreter of his deep gratification at this renewed manifestation of the reciprocal cordiality of the friendship between the two countries.

Accept, etc.,

FAVA.

[Inclosure.—Cablegram.—Translation.]

ROME, *August 9, 1892.*

To the ITALIAN LEGATION,
Washington:

I have communicated to His Majesty, who is now absent from Rome, the decision of the United States Government to send two vessels to Genoa on the occasion of the royal visit. His Majesty instructs you to convey the expression of his deep gratification at this fresh manifestation of cordiality and friendship between the two countries.

BRIN.

Mr. Foster to Baron Fava.

DEPARTMENT OF STATE,
Washington, August 10, 1892.

SIR: I have the honor to acknowledge the receipt of your personal memorandum of the 30th ultimo, stating that a squadron of the Italian navy, together with men-of-war from other countries, will be present in the harbor of Genoa, on the visit of the King and Queen of Italy to the Columbian Exposition at that city, and expressing the hope that one or more vessels of the Navy of the United States may be present on that occasion.

It gives me pleasure to inform you that the Secretary of the Navy, to whom a copy of your memorandum was promptly communicated, has issued instructions to Rear-Admiral Benham, commanding the South Atlantic Station, directing him to proceed with his flagship, the *Newark*, and the *Bennington*, now at Cadiz, Spain, to the Columbian Exposition at Genoa to participate in the celebration.

In this connection, I also acknowledge receipt of your personal note of the 6th instant, saying that their majesties will arrive at Genoa the 7th or 8th of September next.

I have duly notified the Secretary of the Navy of the dates as above.

Accept, etc.,

JOHN W. FOSTER.

Mr. Adee to Baron Fava.

DEPARTMENT OF STATE,
Washington, August 15, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, expressing the gratification of the Government of Italy for the presence of two vessels of war of the U. S. Navy at Genoa, on the occasion of the visit of their majesties to the Columbian Exhibition there during September next.

It has afforded me pleasure to inclose a copy of your note to the Secretary of the Navy.

Accept, sir, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Foster to Baron Fava.

DEPARTMENT OF STATE,
Washington, August 17, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant, in which you inform me that the statue of Columbus, presented to the city of New York, will arrive at that port towards the end of the present month, on the Italian royal naval transport *Garigliano*, and ask that free entry may be granted.

In reply I have the honor to state that the collector at New York has received instructions to admit the statue to free entry, and to extend all due courtesies to the *Garigliano*, her officers and crew.

The Government of the United States highly appreciates the courteous action of the Italian Government in conveying this work of art to our shores on a vessel of the royal navy.

Accept, etc.,

JOHN W. FOSTER.

Baron Fava to Mr. Foster.

[Translation.]

LEGATION OF ITALY,
Washington, October 23, 1892. (Received October 25.)

Mr. SECRETARY OF STATE:

I have the honor to inform your excellency that as I was leaving from Chicago I received yesterday from his excellency the minister of foreign affairs of Italy the following telegram:

ROME, *October 22, 1892.*

To the ITALIAN MINISTER,
Washington:

Yesterday at La Spezia the American flag was saluted with twenty-one guns.

BRIN.

Accept, &c.,

FAVA.

Mr. Wharton to Baron Fava.

DEPARTMENT OF STATE,
Washington, October 25, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, informing me that you have received a telegram from the Italian minister of foreign affairs announcing that the American flag was saluted at Spezia on October 21 last with twenty-one guns.

I have the honor to express the satisfaction felt by the Government of the United States at this courteous action on the part of the Government of Italy.

Accept, &c.,

WILLIAM F. WHARTON,
Acting Secretary.

PERSIA.

Mr. Beale to Mr. Blaine.

No. 26.] LEGATION OF THE UNITED STATES,
Teheran, December 5, 1891. (Received January 21.)

SIR: I have the honor to state that on account of the Persian law not allowing foreigners to hold real estate in Persia, and on account of the great difficulty of leasing property here, our missionaries were, up to the time of my coming here, obliged to resort to the unsatisfactory means of holding their property in the name of a Persian subject.

Such a trustee, a few weeks ago, claimed that the property held in his name was his own; that he was both the legal and equitable owner. He refused either to deed to any one else or to hand the property over to the missionaries. I forced him to relinquish all claim to it and to execute a deed to the mission. I have succeeded, by representing to the Government the good, charitable, hospital, and educational work done by the missionaries in obtaining for them the right to hold real estate in their own name.

I have also initiated the practice here of obtaining the seal of the grand vizier upon every deed of property purchased by Americans, which not only cures all defects in the title, but is also a guarantee of our right to hold the property.

I have, etc.,

TRUXTUN BEALE.

Mr. Beale to Mr. Blaine.

No. 28.] LEGATION OF THE UNITED STATES,
Teheran, December 25, 1891. (Received February 5.)

SIR: Referring to my No. 26 diplomatic series, of December 5, I have the honor to inclose herewith copy of resolutions adopted by the Presbyterian board of missions, thanking me for having obtained for American missionaries the privilege of holding real estate in Persia.

I have, etc.,

TRUXTUN BEALE.

[Inclosure in No. 28.]

Mr. Esselstyn to Mr. Beale.

TEHERAN, PERSIA, *December 24, 1891.*

DEAR SIR: I have the honor to hand you the following copy of action taken at our station meeting of December 21, 1891, viz:

"Whereas, the Hon. Truxton Beale has recovered for us a piece of property in the city Kasvin which was in danger of being lost through the unfaithfulness of a native helper, and has secured the seal of the Amen-i-Sultan (prime minister of Persia)

to the same, thus not only making the title of the property secure in the name of one of our missionaries, but at the same time establishing a valuable precedent for our holding property in the provinces, a thing which we had hardly supposed possible anywhere in Persia, and by no means a possibility in the city of Kasvin at the present time: Therefore,

Resolved, That we express to his excellency our thanks for his skillful and rapid action in the matter, and especially our appreciation of the vantage ground he has thus gained for us; also—

Resolved, That one copy of this action be forwarded to his excellency the Hon. Truxtun Beale, United States minister to Persia, and another copy to the Board of Foreign Missions of the Presbyterian Church in the United States of America."

Believe me, etc.,

LEWIS F. ESSELSLYN.
Secretary Presbyterian Mission.

Mr. Beale to Mr. Blaine.

No. 30.] LEGATION OF THE UNITED STATES,
Teheran, January 11, 1892. (Received February 23.)

SIR: When the foreign tobacco monopoly commenced its work in Persia, the mollahs, Persian priests, announced to the people that tobacco was unclean. They forbid them to smoke while tobacco was handled by foreigners. The leading priest represented to the King that the concession he had given to a company of foreigners to control the cultivation and sale of tobacco in Persia was inconsistent with the doctrines of the Koran and of Islam. They demanded an abolition of the concession. In my dispatch No. 29, D. S., of December 28, ultimo, I stated the universal use of tobacco in Persia; that it was almost a necessity in Persian life; that the attempt to control its sale by an English company had influenced the fanatical hatred here of all foreigners, and that after various agitations in different parts of the Kingdom the internal monopoly was abolished, leaving the company with only the monopoly of its export.

On Monday last the King ordered one of the high mollahs to smoke in the mosque and to state to the people there that since the internal monopoly was abolished tobacco was no longer unclean, and enjoined them to smoke (abstaining from tobacco was regarded by the King as a sullen resistance to his will). The mollah refused. The King ordered him to leave the country. This mollah was a man of high standing in the community. He was a teacher of civil and religious law, and was much beloved by the students and by the people. The next morning, upon the arrival of his students at his house to hear him expound the doctrines of the Koran, they found his caravan of camels ready, and found him preparing for his departure. Upon learning the cause of his exile the students rent their garments and their lamentations drew a great crowd. The bazaars and all the shops of the city were immediately closed. The mob begged him to remain, and declared that he should not leave. The mob started for the King's palace and succeeded in forcing the gates of the arc—the outer inclosure of the palace of the King and that of one of his sons. Upon their arrival at the gate of the inner wall they were addressed by a lieutenant of the guard from the roof of the gate. He said, "I desire to say a few words to you." The leader of the mob replied, "We will not hear you; we are going to kill the King. The first time he went to Europe he brought us Count Monteforte—the minister of police. The second time he went to Europe he

brought us the tobacco monopoly. He has sold his country to foreigners, and spent no portion of the proceeds upon the public."

The soldiers were ordered to fire upon the mob, but they reversed their guns and would not harm their coreligionists in such a cause. The regiment of the King's son was then brought out and ordered to fire. Among those killed two were "green-turbaned men," descendants of the Prophet. Their bodies were taken and laid in state in the great mosque of the city. The King's son was stoned, and he with his attendants were put to flight. When the fury of the mob was at its height, some of the lower mollahs were running about in the crowd exhorting them to the "Jahed"—religious war—and inciting them to go to the foreign quarter and massacre the foreigners. Before they could get to the foreign quarter the gates of the square were closed upon them. The guns were run in and unlimbered at the gates, and a great mollah persuaded the people to disperse and go to their homes. There was a stampede among some of the Europeans, and many of them left their residences and took refuge in the grounds of the different legations.

The King gave way. A conference of mollahs demanded three things of him, which he granted:

First. That he should compensate the families of those killed at the palace gate.

Second. An amnesty to all those who had been engaged in the revolt.

Third. A total abolition of the tobacco monopoly—its export as well as its internal trade.

This affair has brought forth a power in this country that the oldest Orientalist and even the Persians themselves did not dream of, to wit, the extent of the power of the mollahs. A mollah is simply a priest and not a member of any organization like the Church of England, or one of our own churches, but by common consent a body of them came together, carried on negotiations and correspondence with the Shah, made demands and concessions, and concluded an understanding with him.

A means was suddenly found for the expression of popular discontent and for the redress of popular grievances.

In a despotism more like that of Cyrus and Xerxes than that of any government existing elsewhere to-day, a parliament seems to have risen from the ground.

I have, etc.,

TRUXTUN BEALE.

PORTUGAL.

Mr. Blaine to Mr. Batcheller.

No. 48.] DEPARTMENT OF STATE,
Washington, December 14, 1891.

SIR: I inclose a copy of a letter adressed by Mr. Samuel C. Reid to the President, urging that the Government of Portugal may be requested to present to the Government of the United States the cannon known as "Long Tom," formerly part of the armament of the American private-armed brig *General Armstrong*, and now in the castle of San Juan, at Fayal.

Owing to the interesting association connected with the vessel mentioned, it is desired that the gun should be deposited in this city.

You may unofficially intimate to the Portuguese minister of foreign affairs that the presentation of this gun to our Government would be highly appreciated by the President; and if the Portuguese Government shall be favorably disposed, you may be able, while on your tour of inspection of the consulates, to arrange for its transportation to the United States.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 48.]

Mr. Reid to the President.

602 FIFTH STREET, N.W., WASHINGTON, D. C.,
September 19, 1891. (Received September 24.)

DEAR SIR: The cannon known as "Long Tom," a 42-pounder of the late United States private-armed brig of war *General Armstrong*, commanded by my father, Capt. Samuel C. Reid, which was destroyed by a British squadron at Fayal, one of the Azore Islands, in September, 1814, after a most heroic and unexampled defense, is now in the castle of San Juan, at Fayal, which I have of late visited.

In communicating with the military governor of Fayal in regard to the removal of this cannon to the United States, he expressed the opinion that if an official application was made by our Government there was no doubt Portugal would courteously comply with the request.

Under these circumstances it is respectfully solicited that if such an application should meet with your approval you will cause it to be communicated to the Secretary of State, with the request that he will signify to the Portuguese Government the earnest desire of the President that this canon, now mounted in the castle of San Juan, at Fayal, be returned to this Government as a matter of international courtesy and manifestation of the cordial relations and friendship existing between the two Governments.

As the result of this famous conflict proved of such great importance to our country at large, and was the remote cause of saving the province of Louisiana from British conquest, it would be a most fitting commemoration of this last battle fought on the seas with England that this relic of American prowess and heroism should be placed and preserved in our national capital.

With great respect, etc.,

SAM. C. REID.

Mr. Batcheller to Mr. Blaine.

No. 65.] LEGATION OF THE UNITED STATES,
Lisbon, February 25, 1892. (Received March 10.)

SIR: I have the honor to inform you that in conformity with the authorization contained in your unofficial instruction of December 14, 1891 (No. 48), I have had some unofficial correspondence and several conversations with his excellency the minister of foreign affairs, in regard to the presentation to the United States Government of the cannon known as "Long Tom," formerly part of the armament of the American private-armed brig *General Armstrong*, and now in the castle of San Juan, at Fayal.

I also, in the course of a conversation with His Majesty the King Dom Carlos I, mentioned this cannon, and was surprised to learn from His Majesty that he was quite familiar with its history, and His Majesty at once expressed a willingness to present this historic gun to the United States.

I am this day in receipt of a note from the minister of foreign affairs, a copy and translation of which are herewith inclosed, marked, respectively, 1 and 2, wherein His Excellency, after expressing some doubt as to the caliber of the cannon described by me in my note, informs me that the necessary orders have been given to the military authorities at the Azores to the effect that "an iron piece of ordnance which has long existed in the fort and which to a certain extent answers the description of the gun which belonged to the *General Armstrong*, be placed at the disposal of any person I may designate.

I have, etc.,

GEO. S. BATCHELLER.

[Inclosure 1 in No. 65.—Translation.]

Señor Costo Lobo to Mr. Batcheller.

MINISTRY OF FOREIGN AFFAIRS,
Lisbon, February 18, 1892.

I have just been informed by the War Department that, to the knowledge of that ministry, there does not exist in the fort of S. Joao do Fayal any piece of ordnance exactly corresponding with the description of the cannon denominated "Long Tom," of calibre 42, to which your excellency refers in your letter of the 28th ultimo.

Meanwhile the necessary orders have been given to the military authorities at the Azores, in order that an iron piece of ordnance which has long existed in the fort referred to, and which appears to answer to a certain extent to the description of the gun which belonged to the *General Armstrong*, may be placed at the disposal of any person your excellency may appoint, and I shall be much pleased if thus the wishes of your excellency, expressed in the name of your Government, have been complied with.

Availing myself, etc.,

A. DE S. S. COSTO LOBO.

Mr. Blaine to Mr. Batcheller.

No. 63.] DEPARTMENT OF STATE,
Washington, April 1, 1892.

SIR: I have received your No. 65, of February 23 last, reporting that the Portuguese Government would be pleased to present to the United States the gun known as "Long Tom," part of the armament of the private armed brig *General Armstrong*.

You will express to the minister of foreign affairs my appreciation of the courtesy of his Government.

I have received a letter from the Secretary of the Navy stating that he will send one of our war vessels to Fayal to receive the gun as soon as the exigencies of the services shall permit.

I am, &c.,

JAMES G. BLAINE.

Mr. Batcheller to Mr. Blaine.

No. 79.] LEGATION OF THE UNITED STATES,
Lisbon, May 27, 1892. (Received June 13.)

SIR: I have the honor to inform you that during my recent visit to the Island of Fayal (in conformity with your instruction No. 47, bearing date Washington, December 11, 1891) I received through the agency of a commission of military officers, duly appointed for that purpose by his excellency Sehnor José Ignacio da Silva, military commander of the Western Azores, formal possession of the cannon for many years mounted in the Castle of Santa Cruz (heretofore erroneously mentioned as San Joao), and forming part of the armament of the private armed brig *General Armstrong*, destroyed by the British fleet in the harbor of Horta (Fayal) in September 1814, and commonly known as Long Tom.

After the formal delivery of the gun it was dismounted and placed upon a sledge prepared by Consul Dexter, at my request, for that purpose, and transported from the esplanade of the castle through the inner sally port to the premises of the United States consulate, where it is now stored awaiting the arrival of a war vessel, as suggested in your dispatch No. 63, dated Washington, April 1, 1892, for its transportation to the United States.

There were urgent causes why the gun should be placed at once in the possession of the United States authorities, and the Portuguese officials were desirous that this should take place during my presence at Fayal, in order that I might witness the act (*auto*) of transfer, which was duly drawn up, and signed immediately thereafter, to be deposited in the Portuguese military archives at Lisbon, a copy of which, with translation, I herewith inclose marked respectively Nos. 1 and 2.

In a letter received from Lewis Dexter, esq., United States consul at Fayal, written after my departure for Lisbon, I take the liberty of quoting the following: "There is such an evident good feeling existing in regard to the transfer of 'Long Tom,' and pleasure so generally expressed that it is going to the United States, that I must congratulate you on the manner in which it was effected. The impression is left upon the minds of the people that they have been honored by your presence, as they have been made happy in the consideration shown them."

There has been considerable comment in Lisbon, and elsewhere in Portugal, concerning this event, and my visit to the islands (which is the first by any foreign diplomatic representative to this court) that I am convinced the same will be conducive of improved amical and material relations between the two countries.

I have, etc,,

GEO. S. BATCHELLER.

[Inclosure in No. 79.—Translation.]

Statement of military authorities, Fayal, May 12, 1892.

HEADQUARTERS OF THE MILITARY COMMANDER OF THE WESTERN AZORES.

[Order No. 34.]

The under-mentioned commission is to assemble this day at noon, at the military secretariate of this district, to draw up a record of the delivery of the 42-pounder gun "Long Tom," which is now in the Castle of Santa Cruz, in this town, and described by the marks F. L. S. P. 17c, which correspond the most closely with the calibre indicated to his excellency Mr. Batcheller, minister of the United States of North America in Portugal, in accordance with instructions from the War Department dated 12th February and 25th April of the present year.

President: Senhor Francisco d'Affonso da Costa Chares e Mello, of the Eleventh Regiment of Chasseurs.

Members of the Commission: Messrs. Barnardo Pereira de Vasconcellos, First Lieutenant of the Second Company of Artillerymen of the Garrison, and José Ignacio da Silva, Ensign in the Eleventh Regiment of Chasseurs.

Headquarters of the Military Commander of the Western Azores, Horta, 12 May, 1892.

Military Commander, José Estanislau Venturo, Lieutenant Colonel of Infantry.

Record of the delivery of the 42-pounder gun "Long Tom," now existing in the Castle of Santa Cruz, described by the letters F. L. S. P. 17c to his excellency Mr. Batcheller, minister of the United States of North America in Portugal.

On the 12th day of the month of May, one thousand eight hundred and ninety-two, at twelve o'clock in the day, there assembled at the secretariate of the military commander of the Western Azores a commission composed of the following officers: Francisco Affonso da Costa Chares e Mello, captain of the Eleventh Regiment of Chasseurs; Bernardo Pereira de Vasconcello, first lieutenant of the Second Company of the Garrison Artillerymen, and José Ignacio da Silva, ensign in the Eleventh Regiment of Chasseurs, to proceed to deliver the 42-pounder "Long Tom" to his excellency Mr. Batcheller, minister of the United States of North America, in Portugal, who is present at this secretariate.

His excellency having expressed a desire that the delivery should be made immediately, the commission proceeded to the Castle of Santa Cruz, in this town of Horta, and there, in the presence of their excellencies José Estanislau Ventura, lieutenant colonel of infantry and military commander of the Western Azores; Lewis Dexter, Consul of the United States of America in this Island; Francisco da Nazareth Vicira, lieutenant and sheriff, and Alfredo de Lampaio Leite, ensign in the Eleventh Regiment of Chasseurs, by his excellency the minister referred to, the gun F. L. S. P. 17c was recognized as being the 42-pounder "Long Tom;" wherefore it was delivered to him, and at the same time this record was drawn up, which is signed by his excellency Mr. Batcheller and by the members of the commission:

Geo. S. Batcheller, minister of the United States of America; Francisco Affonso da Costa Chares e Mello, captain of the Eleventh Regiment of Chasseurs; Bernardo Parcira de Vasconcellos, first lieutenant of the Second Company of Artillerymen of the garrison; José Ignacio da Silva, ensign in the Eleventh Regiment of Chasseurs.

Executed in due form. Headquarters of military commander of the Western Azores, Horta, 12 May, 1892.

JOSÉ ESTANISLAU VENTURA,
Lieutenant Colonel of Infantry.

Mr. Adee to Mr. Batcheller.

No. 71.] DEPARTMENT OF STATE,
Washington, June 16, 1892.

SIR: I have had the pleasure to receive your No. 79 of the 27th ultimo, reporting the delivery into your possession of the cannon, known as "Long Tom," formerly a part of the armament of the brig *General Armstrong.*

Your dispatch has been read with interest, and a copy inclosed to the Secretary of the Navy, in connection with his letter of March 28, 1892, and to Mr. Samuel C. Reid, of this city.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

RUSSIA.

Mr. Smith to Mr. Blaine.

No. 132.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 8, 1891. (Received December 22.)

SIR: A rescript of the Emperor has just appeared constituting a special committee, under the presidency of the Cesarevitch, charged with the general direction of the work of relief for the sufferers in the Provinces afflicted by the famine. This committee is composed, besides the heir to the throne, of Gen. de Kaufmann, Privy Councillor Pobedonostseff, Minister of Domains Ostrovsky, Minister of the Interior Count Vorontsoff-Daschkoff, Count Strogonoff, and Privy Councillor Ploewe. It is understood that this committee will associate with itself experts like Gen. Annenkoff, who is specially skilled in the field of transportation and in the work of construction. Its object is to give unity to the measures of relief, to direct the offerings of private benevolence in the most effective channels, to remedy any defects of administration, and to provide work as far as may be to those in need of employment. It is expected also that the committee will address itself to the consideration of such measures as may be feasible for appropriating and distributing the surplus grain which is accumulated in some parts of the Empire, as stated in my No. 130. The creation of a special committee of this high character with the heir to the throne at its head indicates the gravity of the problem which is presented by the short crop and the earnest spirit with which the Emperor and his Government meet it. It is hoped that this organization will diminish the difficulties in dealing with the emergency.

I have, etc.,

CHARLES EMORY SMITH.

Mr. Blaine to Mr. Smith.

No. 124.] DEPARTMENT OF STATE,
Washington, December 23, 1891.

SIR: I have received your No. 132, of the 8th instant, announcing the appointment of a special committee under the presidency of the Czarovitch for the relief of the famine sufferers in Russia.

It gives me pleasure to state that generous efforts have been initiated in the grain-producing centers of the West, aided by the Red Cross Association of the United States, for coöperation in this humane work.

I am, etc.,

JAMES G. BLAINE.

Mr. Smith to Mr. Blaine.

No. 136.] LEGATION OF THE UNITED STATES,
St. Petersburg, December 24, 1891. (Received January 11.)

SIR: I availed myself yesterday of the first appropriate occasion which had offered since the return of the minister of foreign affairs from his extended absence abroad to have a conversation with him touching the later aspects under which the attitude and action of the Russian Government respecting the Hebrews of the Empire present themselves.

As indicated in previous dispatches, I have interested myself in the project of the Jewish Colonization Association, under the munificent inspiration and presidency of Baron Hirsch, for the colonization of Russian Hebrews in the Argentine Republic and in the disposition of the Russian Government towards it. There are two reasons for this special interest. In the first place, if the project meets with the sanction and coöperation of the Government, it makes obligatory in good faith and presumably involves the amelioration of the measures against the Jews so that their removal shall proceed only as fast as the association can make adequate provision for it. In the second place, it directs the emigration especially towards a destination where ample land has been purchased and special preparations have been made to receive it. I therefore introduced the conversation with M. de Giers, by referring to this project, and said to him that I desired to talk with him concerning this movement for the colonization of the Russian Hebrews and the general question connected with it. For his convenience as well as my own, I had reduced the points of what I wished to say to writing, though preserving the conversational form, and, if agreeable to him, I would read them. He intimated his approval of this suggestion and I thereupon read the memorandum, of which the following is a translation:

I am greatly interested in the project of Baron Hirsch, of which Mr. Arnold White is the representative, for the colonization of Russian Hebrews. I am glad to hear that this project has met with a favorable reception on the part of the Government, and that practical measures are in train to carry it out. The subject is one of much concern for my country. The number of Russian Jews arriving in the United States has grown very greatly of late, and this fact naturally increases our interest in the question.

I have made special inquiries and have found that during the two months of July and August last 23,000 Hebrews who went from Russia embarked at the two ports of Hamburg and Bremen. I do not know the exact figure of the succeeding months, but it must be in about the same proportion. The greater part of these emigrants went to the United States. The number of Russian Jews landing in our country considerably exceeds 5,000 per month. To feel some solicitude as to this great influx of people who are destitute, and without preparation for the new conditions, is entirely natural. Up to this time the liberality of the American people, chiefly of the Hebrews of the United States, has been sufficient to provide this army of immigrants with what their immediate necessities demanded. But if the immigration should continue in the same proportion it would impose a burden beyond the resources of the benevolent societies. To furnish shelter and work for such a number, constantly growing, would be difficult if not impossible. Besides, this inundation would derange the conditions of labor and disturb its market.

Your excellency will recall that, in presenting a dispatch from Mr. Blaine last spring, I had the honor to bring to your attention the concern of the Government and people of the United States on this subject. From that time the question has become aggravated by reason of the increase of immigrants of which I have spoken. During my visit to my country last summer, the President expressed his views to me and charged me to communicate them in suitable terms to the Government of the Emperor. He said to me that he had a sincere feeling of friendship for Russia and cherished a deep sense of gratitude for the great services which Russia had rendered to the United States. When he felt it a duty to refer to the measures of Russia against the

Jews, he expressed the desire to approach the question from the standpoint of a true friend who earnestly wished well to this country. It was, however, impossible to be indifferent to measures which compelled so large a number of Russian Hebrews to seek a refuge in the United States. The effects of these measures are not limited to Russia, but are felt in our country, and apart from considerations of humanity these results make it a question of immediate interest to us. When the acts of one nation in expelling a class of its own people directly affect another and a friendly nation, the President felt that there is an obligation to take this effect into consideration. He hoped that the Government of Russia would find that its own best interests were served in mitigating the measures which entailed the practical banishment of so large a number of people; and if the Government felt unable to abandon these measures, the President hoped that it would at least be disposed to modify them, so that the removal might be extended over a long period. Thus the hardships would be diminished, and better provision could be made for those who must seek an asylum in other lands.

M. de Giers listened to the reading of this memorandum with much apparent interest, and once or twice interrupted it with inquiries or suggestions. He thought the statements of the number of Russian Hebrews sailing from Hamburg and Bremen and landing in the United States must be exaggerated; but I assured him that they were derived from entirely authentic sources. He returned afterward to the question of figures, still expressing his surprise, and apparently there was an implied recognition of the force of a representation based on such grounds. He said that there was no expulsion or banishment of Jews from the Empire. I had explained that while this was true in the literal sense of the term, the emigration was the effect of "measures which compelled so large a number to seek a refuge in the United States," and I again indicated this point. M. de Giers responded that Christians as well as Jews had emigrated, and that they had gone under the attraction of what he described as an idea that America is an El Dorado where they would all be well off. I replied that the great increase in the Jewish emigration to which I had referred had come at the same time with the expulsion of Jews from Moscow and other places within the empire.

M. de Giers remarked, in conclusion, that the subject came within the province of the Minister of the Interior, and he would confer with that Minister. He asked me for a copy of the verbal note which I had read, and of which a translation is given above, and I have to-day sent it to him. I inclose a copy of the form in which it was placed in his hands.

I have, etc.,

CHAS. EMORY SMITH.

Mr. Smith to Mr. Blaine.

No. 141.] LEGATION OF THE UNITED STATES,
St. Petersburg, January 6, 1892. (Received January 20.)

SIR: On the 29th ultimo I received from the governor of Minnesota a telegram, of which the following is a copy:

Minnesota and the Northwest are preparing to donate cargo of breadstuffs for the famine-stricken people of Russia. This morning's papers contain Washington dispatches of semiofficial character stating that reports of distress are very much overdrawn, and that outside contributions are not necessary. Please cable me immediately full information of status of affairs, and whether our contributions are needed and will be acceptable.—MERRIAM, *Governor.*

There could be no doubt of the nature of the reply which the facts required. General knowledge of the situation in Russia and of the

attitude of the Government gathered in previous intercourse would have permitted an immediate response such as was ultimately sent; but as this was the first specific inquiry calling for the first explicit statement from this legation concerning the disposition of the Government respecting American contributions for the sufferers from the insufficient crops, and as further questions might be involved, I deemed it best, before replying, to submit the inquiry to the minister of foreign affairs.

I accordingly sought the first opportunity for an interview on the subject with M. de Giers. Upon my reading the dispatch of Governor Merriam, and explaining what had been done, M. de Giers expressed the warmest appreciation of the generous spirit which prompted the offer. We discussed matters of detail at some length and, in conclusion, he asked me to address him an informal note on the subject and to delay my response to Governor Merriam until he could confer with the minister of the interior.

Two days later, while awaiting the reply, I read in newspapers which reached the legation what seemed to be an entirely authentic statement that the Secretary of the Navy had placed a ship at the disposal of the donors of the proposed cargo of breadstuffs to transport it to Russia. As the question of transportation had been one of the points referred to in our conversation, I sent a personal note to M. de Giers, advising him of this statement, as it appeared in the public journals, but adding that I had no other information. To-day I received a private note from him which warranted me in immediately sending a telegram to Governor Merriam as follows:

Distress in Russia from short crops is widespread and severe. Difficult to overdraw extent of suffering. Many provinces are destitute and must be helped till next harvest. Am able to say that proposed contributions of Minnesota and Northwest, indicated in your dispatch, will be accepted with most grateful appreciation.

Although the note from the ministry of foreign affairs is marked private, and is to be treated as such, I inclose a copy with a translation for the information of the Department. The position of the Government of Russia will be readily understood. The insufficiency of the crops this year has entailed a lack of food and great suffering through a wide portion of the empire. The Emperor and his chiefs of administration are laboring very earnestly to relieve the distress and mitigate this national affliction. Private charity is doing much to supplement and aid their work. As to foreign contributions, the Imperial Government manifestly could not appear in the attitude of soliciting help, and this sense of its position governs its action in reference to official communications; but at the same time it fully appreciates the kindly spirit which prompts the offerings of private benevolence, and will aid in every way in carrying out the wishes of friendly people who desire to come to the help of suffering communities. There appears to be a peculiarly grateful sense of the sympathetic movements of relief already undertaken among the American people, and in all quarters, official and private, I hear only the most appreciative expressions on this point.

I have, etc.,

CHAS. EMORY SMITH.

[Inclosure in No. 141—Translation.]

The Adjunct of the Ministry of Foreign Affairs to Mr. Smith.

MY DEAR MINISTER: M. de Giers has charged me to bring to your knowledge that, conformably to the notice which has just reached him from the minister of the in-

terior, the donations offered by the millers of the State of minnesota in favor of the victims of the short crops in Russia will be received with the most lively thankfulness. The minister takes me also for intermediary to express to your excellency all his gratitude for the part which you have had the kindness to take in the charitable work of your compatriots.

Pray, dear sir, accept the assurances of my perfect esteem and of my sincere devotion.

CHICHKINE.

Mr. Smith to Mr. Blaine.

No. 142.] LEGATION OF THE UNITED STATES,
St. Petersburg, January 11, 1892. (Received January 27.)

SIR: Previous dispatches from this legation have from time to time reported upon the extent of the famine which affects a large part of Russia, and upon the measures taken for the relief of the sufferers. Inquiries are coming from the United States for exact information, and, in view of the sympathetic interest and proffers of aid on the part of our countrymen it may serve a useful purpose to give a brief résumé of the situation, even at the risk of repeating some things heretofore said.

There are thirteen provinces of European Russia where the drought was well-nigh unbroken and where the famine may be said to be general, viz: Kazau, Nijni-Novgorod, Orenburg, Oufa, Penza, Riazan, Samara, Saratoff, Simbirsk, Tamboff, Toula, Viatka, and Voronege. There are five others where it prevails in part, viz: Kursk, Olonets, Orel, Perm, and Tauride, one or two others like Kherson, were within the influence of the drought and have suffered to some extent, but I include only those embraced in official publications. Some conception of the magnitude of the calamity may be gathered from a few comparisons. The thirteen provinces where the destitution is general are a third larger than all Germany. They cover an area equal to that of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Kentucky, all put together. They have about the same population, that is, about 27,000,000.

If we add the five provinces which are partly afflicted, the sweep of the famine-stricken region is equal to the combined area of Indiana, Iowa, Michigan, Wisconsin, Minnesota, Illinois, North Dakota, South Dakota, Nebraska, Kansas, and half of Ohio, and its total population is nearly double that of those eleven States.

The distress through most of this vast agricultural section, embracing much of the richest and ordinarily most fruitful soil of Russia, can hardly be overstated. The destitution, it is true, is not universal. There are those whose accumulations save them from want. There are spots blessed with irrigation where, surrounded by the fatal blight, the harvests were good, but at the best the proportion of sufferers is enormous. An official estimate made some time ago placed the number of persons who were without food or means of support and who require assistance through the winter at nearly 14,000,000. In reality, appalling as this figure is, it is probably below the truth. It must be borne in mind that it is not the failure of the harvest for a single year alone which has produced this disaster. For three successive years the crops have fallen short of the average. There was thus little reserve of grain

in the desolated provinces, and the great deficiency of the past season finds the storehouses already well-nigh empty.

A few facts given in bare outline, without taking space for detail or description, will best answer inquiries as to the degree of distress. The statements following are chiefly derived from original sources and from eye-witnesses whose trustworthiness I could personally measure. Several letters from competent residents, or observers on the spot, are in my possession. The pastor of the British American Church of St. Petersburg, Rev. Alexander Francis, who made a tour in the famine-stricken section in September, is just back from a second visit of three weeks, much of the time on sledge, going from one village to another, and favors me with the results of his close observations. A few days ago I also had the opportunity of a full conference with the intelligent representative of the English Society of Friends, who came from London to make a personal investigation and who was then fresh from an extended journey of inspection, through three of the afflicted provinces. All of these witnesses concur in telling the same story of great present destitution and suffering which, unless adequate relief can be supplied, will grow worse as the season goes on.

It is important, first of all, to understand that the great proportion of the peasants make no savings and are wholly dependent on the yearly crop. If widespread and long-continued drought makes the earth unfruitful, their only hope is outside relief. But the general scarcity of provisions is far from being the only misery. The loss of the harvest inevitably draws a long train of various evils. The crops are the foundation of the whole economic structure. When they fail the Government misses revenue and the peasants lack the necessaries of life: clothing, firewood, taxes, farming requirements, sustenance of horses and cattle, all depend on this one resource. At present in some sections it is almost as difficult to get fuel as food. The suffering is nearly as great from cold as from hunger. Neighborhoods huddle together in the most available house to keep warm. In some quarters, away from the forests the barns have found their way, board by board, to the fire place. In extreme cases the thatched roofs of the peasants' homes are torn up that the straw may feed the dying embers. Under the stress of overmastering necessity, clothing is almost given away for bread. Horses and cattle are sacrificed at a tithe of their value. Fodder is as scarce as human food, and the support of the farm animals becomes a burden. In some cases the people are reduced to horse flesh for their sustenance.

During the winter days there is little or no work to be had, and the only recourse is to wait for relief. Not infrequently fathers of families have left their wives and children to fight the battle of want alone and have gone away because they could do nothing, and their absence would leave fewer mouths to feed at home.

In many instance the peasants are driven, in finding materials for subsistence, to almost incredible necessities. A letter in excellent English lies before me from the head manager of one of the great estates in Nijni-Novgorod, and the writer, speaking of his personal visitations among the peasants of the surrounding country, says:

> I can only say that it is impossible to conceive a state more distressing, more calamitous, more woefully pathetic than theirs. The bread which they are eating is not worthy of the name. I had slices cut from their loaves in my presence, which I took away as specimen of the stuff with which they are compelled to support their lives. I found in many cases that this so-called bread contained no rye flour whatever, but was composed of wild arroch, potatoes, chaff, and leaves.

These terrible conditions inevitably produce disease. The same letter says: "Within two versts (a mile and a third) of my house there are more than one hundred and twenty cases of typhus. Hunger and cold in their severest forms are daily gaining ground, and pestilence even now is decimating the people." Unhappily this direful recital serves as a sketch of many localities.

Through January, February, and perhaps March, the roads will be good, and all energies can be directed to pouring provisions into the needy provinces. Unfortunately the rivers, which are the chief channels of communication, are frozen. Two or three main railroad arteries run into the famine-stricken region, but there are no lateral stems and the greater part of the bread and breadstuffs must be carried for long distances on sledges. The problem is to convey enough during the next two or three months, not only for immediate use but to tide over most of the period until the next harvest, which should be realized in July. By the middle of March or the first of April the spring break-up will come. The roads will be heavy and difficult and the horses now available for transport will be largely needed in the spring farming. Time is therefore a most important factor in the work of relief, and every week now is vital. This may be brought clearly to the understanding by a single statement. A letter to me from Tamboff states that at least 180,000,000 pounds of food are necessary to carry that province through. To meet this requirement fifty carloads ought to arrive per diem, and the letter, which was written on Christmas day, says that the average arrival that week was eleven carloads. It is unfortunate that the full gravity of the impending emergency was not earlier realized, but for some time past the specter of the famine has overshadowed everything here and every energy has been strained to mitigate the calamity.

It is but just to say that the Imperial Government is addressing itself to this duty with devotion and vigor. Up to the present time it has appropriated 85,000,000 rubles from the public treasury, for the work of relief, most of which has already been spent. This is equivalent to about $42,500,000, and as the work must still go on for some months, the expenditure must mount to a much higher sum. This is apart from private contributions. The amount which the Emperor has given from his personal resources is not publicly mentioned and probably is not definitely known, but the figure named in private circles is something enormous. All classes are freely giving of their means to the same object, and it must be remembered that the direct contributions are but a small part of the cost. The loss to the Government in revenue will be at least 200,000,000 rubles, and probably much more, while a conservative estimate places the direct loss to Russia from the short crops, the increased cost of food, and other consequences at not less than 1,000,000,000 rubles, or $500,000,000. Up to the present moment there have been very few contributions from abroad.

Both the Government and people of Russia are deeply sensible of the spontaneous offerings in various parts of the United States, and the Emperor's ministers, as well as others, have spoken of them to me with expressions of the deepest appreciation and gratitude.

I have, etc.,

CHAS. EMORY SMITH

Mr. Blaine to Mr. Smith.

No. 130.] DEPARTMENT OF STATE,
Washington, January 25, 1892.

SIR: I am very glad to receive the personal assurance conveyed by your No. 141, dated the 6th instant, of the acceptableness of American assistance to the unfortunate sufferers from famine in the Russian Empire.

The spontaneous action of the people of the United States in adopting, of themselves, prompt and, it may be hoped, effective measures of helpfulness is widespread and energetic, confined to no section of the country nor to any class of citizens; its leadership in the Northwest is met by the intelligent, experienced, and cordial coöperation of the Red Cross Society of the United States, and the sympathetic response of private citizens everywhere. Knowledge of such a calamity as that which has befallen so large a number of the subjects of the Emperor comes naturally through the ordinary public avenues of communication, and is of itself an appeal sufficient to stir the humane impulses of mankind.

The American people, always quick to answer such an appeal, do so on this occasion, I may properly say, with an appreciative sense of the opportunity afforded them not only to share their plenty with their less fortunate fellow-men in Russia, but at the same time to evince once more their good will toward the people of a nation whose relations with the United States have been marked for so many years with so many mutual proofs of friendly regard.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Smith.

[Telegram].

DEPARTMENT OF STATE,
Washington, February 18, 1892.

The American steamship *Indiana*, laden with flour for Russia, given by the citizens of Philadelphia, will sail on the 22d, probably for Libau, possibly for Riga.

See that the American consul or some other fit man, if there be one, shall coöperate with Mr. Blankenburg, who goes as the agent to take care of and distribute the gift.

BLAINE.

Mr. Smith to Mr. Blaine.

No. 151.] LEGATION OF THE UNITED STATES,
St. Petersburg, February 25, 1892. (Received March 12.)

SIR: I have the honor to acknowledge the receipt of your telegram of the 18th instant, advising me that the steamship *Indiana*, laden with flour for Russia, given by the citizens of Philadelphia, would sail on the 22d, and instructing me to see that the American consul or some other fit man should coöperate with the agent who goes to take care of and distribute the gift. On this instruction I replied by telegraph on the

20th as follows: "Steamship *Indiana* will be received on arrival by American consul-general and others. Full arrangements will be made for prompt distribution of cargo as donors may determine. Desirable to know in advance amount in tons. Can assure faithful, conscientious distribution of all American gifts as givers may wish."

Subsequent dispatches will indicate the arrangements more in detail.

I have, etc.,

CHAS. EMORY SMITH.

Mr. Smith to Mr. Blaine.

No. 152.] LEGATION OF THE UNITED STATES,
St. Petersburg, February 26, 1892. (Received March 12.)

SIR: In response to your telegram of the 24th, received yesterday, instructing me to see to the prompt unloading of the *Indiana* on her arrival at Libau, I have to-day telegraphed to you as follows:

Will provide for prompt unloading of *Indiana* and transport of cargo without cost to famine region. Russian authorities ready to furnish every facility. I can arrange in advance through reliable organizations, with approval of Government, for distribution of cargo in most needy districts, plan to be subject to sanction of American agent on arrival. This will save much time. Please inform Philadelphia committee and ask them to authorize this and advise me as soon as possible to whom steamer is consigned and amount and nature of cargo. Government wants this knowledge to insure prompt measures. Please make some communication to Minnesota committee. Organization for distribution of American gifts being carefully perfected. Am in daily conference on the subject, and shall remain here till last of March.

I have communicated with the Russian authorities, who will do everything requisite to secure the speediest possible action on the arrival of the *Indiana*, and will at once pass the cargo through the custom-house free of duty. The consul-general of the United States will be present to coöperate with the Russian representatives in any official steps that may be required. Unless a better plan should develop, I am also prepared to arrange through one of the relief organizations with responsible shippers for the prompt unloading of the steamer.

The next question relates to the disposition of the cargo. The committee in general charge of relief measures, appointed by the Emperor and known here as the special committee of the Czarowitz, will undertake to forward this flour free of cost to any place or places within the famine region which the contributors or their representatives may designate. The shipments under the authority of this committee have precedence over everything else on the railroads. It will have cars ready at Libau to receive the flour immediately on its arrival, and desires to dispatch them as promptly as possible to their destination. To make the necessary preparations it has asked me if the districts to which we wish the flour sent can now be indicated. I have therefore taken the responsibility of requesting the relief organization of the British-American Church to join me in apportioning the cargo to the several localities where it is most needed and where it can be best used. This organization, as I have heretofore stated, reaches into a number of provinces, covering the most severely afflicted portions of the famine section, and it has carefully created within the districts trustworthy local committees, which are distributing the contributions it has thus far received, and which are best qualified to distribute the flour coming from America. This keeps the control practically in American hands, insures the distribution through reliable agencies, and carries the

sanction and coöperation of the Russian Government. The proposed plan will be subject to the approval of the representative of the contributors, to whom it will be submitted on his arrival, but it is believed that it will at once commend itself to his favor as securing the most expeditious, efficient, and satisfactory distribution. In my judgment it is the best disposition which can be made, and I am able to say that this is also the opinion of the highest Russian authorities. It will save two or three weeks' time, which, with the spring break-up, only a month distant, is of vital importance. I accept your telegraphic instruction of the 18th as justifying me in making such preliminary arrangements, but have thought that if the outline of the plan could be submitted in advance to the committees of the contributors and receive their approval it would insure complete understanding and authority. Hence my telegram of to-day given above.

May I venture to suggest that, if it meets your approval, you will cause a copy of this dispatch to be furnished to the Philadelphia committee and to the governor of Minnesota, who designated the representatives that are to accompany the contribution from the Northwest. It will give them more complete explanations than could be made in the telegram of to-day.

I have, etc.,

CHAS. EMORY SMITH.

Mr. Blaine to Mr. Smith.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 26, 1892.

Distribute funds one-half British-American Church, three-tenths Jewish society, and two-tenths Tolstoi.

BLAINE.

Mr. Smith to Mr. Blaine.

No. 156.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 2, 1892. (Received March 15.)

SIR: In acknowledging your instruction No. 130, of January 25, I have the honor to state that, while it evidently was not intended for formal communication to the Russian Government, it is at the same time so just a statement of the sentiment of the American people respecting the calamity which this Empire suffers in the famine that I deemed it justifiable and best to make the Government aware of your sympathetic and appreciative expressions. I therefore found opportunity to submit a copy informally to the minister of foreign affairs for his perusal. Mr. de Giers read it with great interest and with manifest satisfaction, and asked me to say in reply that the Russian Government was very sensible of the friendly offerings of the American people and of the cordial terms in which you had expressed their kindly sentiment.

I have, etc.,

CHAS. EMORY SMITH.

Mr. Blaine to Mr. Smith.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 4, 1892.

Indiana consigned R. W. Sargent, her captain; cargo, 29,144 sacks flour, 383 packages provisions; total, 2,130 tons.

BLAINE.

Mr. Wharton to Mr. Smith.

[Telegram]

DEPARTMENT OF STATE,
Washington, March 14, 1892.

Missouri consigned Libau; sailed; cargo, 6,000,000 pounds flour and corn meal.

WHARTON,
Acting Secretary.

Mr. Wharton to Mr. Smith.

No. 143.] DEPARTMENT OF STATE,
Washington, March 14, 1892.

SIR: In connection with your telegram of the — ultimo, in regard to the shipments of produce for the relief of the Russian famine sufferers, I have now to inclose a copy of a letter of the 9th instant, from Mr. W. C. Edgar, who, with Col. C. M. McReeve and E. J. Phelps, esq., compose the commission representing the States of Minnesota and Nebraska.

It will be observed that the steamer *Missouri*, which has been chartered for the purpose, expected to leave New York on the 12th instant with a cargo consisting of about 6,000,000 pounds of flour and kiln-dried corn meal. The vessel is consigned to the port of Libau, where she hopes to arrive about the 31st instant. I have accordingly telegraphed you as given on the overleaf. Messrs. McReeve, Phelps, and Edgar expect to meet you at St. Petersburg about a week in advance of the arrival of the *Missouri*.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Mr. Smith.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 17, 1892.

Draw for $995.34 relief Russian sufferers. Apply one-half British-American Church, three-tenths Jewish Society, two tenths Tolstoi.

WHARTON,
Acting Secretary.

Mr. Wharton to Mr. Smith.

No. 146.] DEPARTMENT OF STATE,
Washington, March 17, 1892.

SIR: I inclose copies of two letters as follows: From the News and Courier, of Charleston, S. C., dated March 7, and from the secretary of the Merchants' Exchange of the same city, dated March 9. The former covers a check for $885.34, the latter, $110, the proceeds of which are to be applied to the relief of the Russian sufferers, as directed by my telegram of even date herewith. I append a copy of the telegram on the overleaf.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure 1 in No. 146.]

Mr. Hemphill to Mr. Blaine.

THE NEWS AND COURIER EDITORIAL ROOMS,
No. 19 Broad Street, Charleston, S. C., March 7, 1892.

SIR: In accordance with the suggestion received from the Department of State, under date of March 4, 1892, I inclose you check of the News and Courier Company for $885.34, made payable to your order, the amount thus transmitted to you to be "immediately turned over to Mr. Charles Emory Smith," our minister to Russia, and to be applied by him to the relief of the starving people of that afflicted country.

The check sent to you represents the contributions made through the News and Courier by the people of this city and of various places in South Carolina outside of Charleston. Most of the contributions have been small in amount, but they have been made with the earnest prayer that they may relieve in some degree the necessities of our neighbors on the other side of the sea.

Thanking you for making the Department of State the medium of doing alms for our people,

I have, etc.,

J. C. HEMPHILL,
Editor the News and Courier.

[Inclosure 2 in No. 146.]

Mr. Baker to Mr. Blaine.

MERCHANTS' EXCHANGE,
No. 134 East Bay Street, Charleston, S. C., March 9, 1892.

SIR: Inclosed find New York check for $110, which I am instructed to forward to you as a subscription of the "Merchants' Exchange" of this city for the Russian sufferers. The exchange would respectfully request that this contribution be forwarded with all convenient dispatch to the American minister at St. Petersburg for proper distribution.

Respectfully,

JNO. M. BAKER,
Secretary Merchants' Exchange.

Mr. Wharton to Mr. Smith.

No. 147.] DEPARTMENT OF STATE,
Washington, March 17, 1892.

SIR: I have received your No. 156, of the 2d instant, reporting that you had informally communicated to the Russian minister of foreign affairs Department's No. 130, of January 25 last, expressing the sym-

pathy felt by the United States for the people of Russia. Your action is approved, and I am happy to say that the manifestation of the sympathy of the American people with the famine-stricken sufferers in Russia continues unabated, and but a few days ago a second grain-laden relief ship, the *Missouri*, sailed from New York on her errand of mercy.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Smith to Mr. Wharton.

No. 159.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 19, 1892. (Received March 31.)

SIR: I have the honor to acknowledge the receipt yesterday of your telegram as follows:

Draw for $995.34 relief Russian sufferers. Apply one-half British American Church, three-tenths Jewish society, two-tenths Tolstoi.—WHARTON, *Acting.*

The proceeds of this draft will be applied as directed.

Independently of the cargoes, the amount of money sent from America from various sources, through this legation, has thus far reached about 120,000 roubles.

I am, etc.,

CHAS. EMORY SMITH.

Mr. Smith to Mr. Blaine.

No. 160.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 23, 1892. (Received April 7.)

SIR: I have the honor to report that the steamer *Indiana*, laden with flour and provisions, contributed mainly by citizens of Philadelphia, for the relief of the sufferers from the famine in Russia, reached the port of Libau on the 16th instant. Tempestuous weather and constant head winds on the Atlantic prolonged her voyage and delayed her arrival four days beyond the time expected.

In conformity with your telegraphic instructions of the 18th and 24th of February, arrangements had been made for the proper reception of the steamer and for the prompt unloading of her cargo. I had also taken the responsibility, as explained in my No. 156 of February 26th, of providing for the immediate distribution, subject to the approval of the donors or their representatives, of this American gift among the needy and distressed people for whom it was designed. It is a source of satisfaction to be able to report that, arriving on the 16th, the cargo of the *Indiana* was fully discharged by the 19th, that the steamer started on her return voyage on the 20th, and that, directly loaded on cars furnished by the Russian authorities and immediately dispatched on their mission of mercy, all of the flour and provisions had left Libau in seven different trains, which were on their way to the famine region within three days from the arrival of the steamer.

In the absence of a regular consul at Libau I asked Consul-General Crawford to proceed thither to receive the steamer and render whatever service might be required. Mr. N. P. A. Bornholdt, the American consul at Riga, had, with a generous spirit which deserves the warmest

recognition, volunteered to unload the cargo at his own expense. As he is the head of a shipping house with every facility, his liberal offer was gladly accepted, and his work was performed in the most energetic, thorough, and satisfactory manner.

The members of the Philadelphia committee, Messrs. Blankenburg, Drexel, and Biddle, reached Russia in advance of the steamer, and, after examining and approving the arrangements made here, two of them proceeded to Libau. On the part of the Russian authorities Count André Bobrinsky was sent as the delegate of the special committee appointed by the Emperor, under the presidency of the Czarivitch, which had undertaken to dispatch the cargo according to the several allotments.

These various representatives coöperated in carrying out the details at Libau.

As soon as intelligence was received of the coming of the *Indiana* I sought an interview with Count Vorontzoff Daschkoff, minister of the Imperial House, who is vice-president of the special committee appointed by the Emperor in charge of relief measures.

In answer to my representations he gave me assurance that the committee would provide for forwarding the flour and provisions to whatever persons and places within the famine region the American representatives might designate, and that it would be agreeable to the Russian Government if the American representatives would indicate where and how they wished the distribution to be made. This secured cordial coöperation and a complete understanding. To await the arrival of the committee from Philadelphia would involve great delay. I therefore assumed the responsibility of proceeding upon the best information attainable to apportion the expected cargo, and to assign the several divisions to the localities where they were most needed and to persons upon whose conscientious distribution full reliance could be reposed. In this work I asked the members of the relief organization of the British-American Church to join me. The persons to whom the distribution was intrusted were in almost every case known to them or to me as worthy of entire confidence. Many of them were men or women of the highest station, who were already doing noble work in the same direction. When this labor was finished I delivered the completed list to the delegate of the Emperor's special committee, and under his personal supervision the cars loaded with the respective amounts apportioned, were marked and dispatched to the persons designated, who had already been notified of the coming of this relief. On the submission of the arrangements to the Philadelphia committee, immediately on their arrival, they gave their unreserved approval, and thus there was no delay. Under this plan the cargo of the *Indiana*, consisting of 4,186,830 pounds food-stuffs, was sent in seven trains of nearly two hundred cars in the aggregate, to ten different distributors, and consigned to forty-five different centers or agents of distribution, and destined to bring relief to several hundred destitute people.

The reception of this American offering and its transfer to Russian hands were signalized by every manifestation of good will and appreciation. The *Indiana* was met in the harbor with appropriate salutes and with every mark of honor, not only by the officials already named, but by the mayor and other authorities of Libau and by a large number of people. Every day of stay in port witnessed demonstrations of regard for the captain and all the American representatives. Large numbers of American flags were improvised and everywhere displayed. On the last day an official banquet was tendered on the part of the

mayor and municipal council to the American guests, at which toasts were offered to the President of the United States, to the Emperor of Russia, to the city of Philadelphia, etc., and at which speeches were made by the mayor, Consul-General Crawford, the members of the Philadelphia committee, and the delegate of the Emperor's special committee. Before the *Indiana* took her departure the Emperor sent a special message that he desired to present Capt. Sargent with a souvenir of his memorable voyage. Every train which bore a part of the American offerings was decorated with the blended Russian and American flags, and dispatches from the interior indicate that these trains were received en route with enthusiasm. Extended reports of the proceedings have appeared in the journals of the capital, and many expressions of grateful appreciation are heard. There is no doubt that the manner, spirit, and substance of the American donations have made a marked impression in Russia.

It was a fortunate circumstance, as all observers testify, that the first vessel bringing these American contributions was an American ship, manned by an American captain and crew, and flying the American flag.

I have pleasure in stating that Consul-General Crawford and all the others who coöperated in carrying out the arrangements at Libau fulfilled their parts in the most satisfactory manner. To Consul Bornholdt, whose measures, as vigorous and intelligent as they were liberal, insured the prompt unloading of the steamer and loading of the cars, great credit is due; and I suggest that his service merits the special recognition of the Department.

I have, etc.,

CHARLES EMORY SMITH.

Mr. Smith to Mr. Blaine.

No. 161.] LEGATION OF THE UNITED STATES,
St. Petersburg, March 24, 1892. (Received April 7.)

SIR: In the course of an audience with the grand duke the czarowitz, to which I had the honor of being summoned yesterday, his imperial highness spoke earnestly and with evident predetermination of the offering from the United States in aid of the people of Russia who are in distress from the insufficient harvests. The fact that he is not only the heir to the throne but the president of the special committee placed by the Emperor in charge of relief measures, and the direct representative of His Majesty in this work, attached special significance to his words.

The grand duke introduced the subject by saying, "We are all deeply touched by the shiploads of food which are coming to us from America." In the form of his expression he evidently meant to be understood as speaking for the Emperor as well as for the Russian people. He proceeded to say that the American people were very generous and that the Russians were fully sensible of their kindness.

I replied that my countrymen were well aware that, measured by the need and by what Russuia herself was doing, these donations were small, but that they were at least an expression of sympathy and good will. The grand duke responded that it was precisely this consideration which was gratifying to Russia. I remarked to him that the con-

tributions were spontaneous offerings from the people of the United States to the people of Russia who were in distress. He answered that he well understood that this was a popular movement, without Government action, and that this fact was fully appreciated. The conversation then turned on the *Indiana*, which had just arrived with a cargo of flour, and on the *Missouri* and other relief ships of whose speedy coming intelligence had been received. The grand duke made a number of inquiries on the subject, and I took occasion to thank him for the admirable measures which his committee had taken to carry out the wishes of the American donors, by which all of the cargo of the *Indiana* had been forwarded on its mission of charity within three days of the arrival of the steamer. During the conversation, which continued for some time, the grand duke referred to the visit which his uncle, the grand duke Alexis, made several years ago to the United States, and said that his uncle often recalled it with pleasure.

The circumstances and the terms of the grand duke's whole expression gave it the character and significance of a formal acknowledgment, as manifestly earnest as it was direct of the American offerings, and as such I report it.

I have, etc.,

CHARLES EMORY SMITH.

Mr. Smith to Mr. Blaine.

No. 164.] LEGATION OF THE UNITED STATES,
St. Petersburg, April 1, 1892. (Received April 19.)

SIR: In view of my approaching departure for the United States, I had the honor of an audience yesterday with His Majesty the Emperor, at the palace of Gatchina. After some personal inquiries and conversation, the Emperor turned to the subject of the American ships laden with flour and other food for those people of Russia who are in want of bread, and the successive arrivals of which are making a deep impression on all classes. He first asked me to convey a message to the President of the United States which I can more fitly communicate in person on my return. Then, speaking with great deliberation, gravity and emphasis, His Majesty said: "I am very much touched by the interest and kindness which the people of the United States are showing in sending ships of flour to my suffering people; these offerings are great and generous; they indicate a sympathy and friendship for which we are deeply grateful; and I desire that you will convey to the American people my sincere thanks for this manifestation of their friendly and humane sentiments."

I responded that it would be an honor and pleasure to be the bearer of His Majesty's message to my countrymen, and I added that while the people of the United States were anxious to offer succor to the distressed, and glad to send some evidence both in money and in food, of their sympathy, they well understood that their contributions were little more than an expression of good will. To this the Emperor replied that the offerings, both of money and of flour, were very liberal; that the sending of several ships was a grand and generous proceeding, and that he was fully sensible of the kind spirit which actuated the American people. The Emperor then directed the conversation in a more particular manner towards the individual steamers, the *Indiana*,

the *Missouri*, the *Conemaugh*, with the probability of a fourth, and made various inquiries as to the sources and localities from which the respective cargoes came, and other points of interest connected with the movement. After conversing on some other topics, His Majesty, in saying adieu, again asked me to make known his thanks to the American people. His words and manner alike indicated his earnest feeling on the subject.

I have, etc.,

CHARLES EMORY SMITH.

Mr. Blaine to Mr. Smith.

[Telegram].

DEPARTMENT OF STATE,
Washington, April 2, 1892.

Draw for $1,279.95 additional relief sufferers. Distribute as per telegram 18th.

BLAINE.

Mr. Smith to Mr. Blaine.

No. 165.] LEGATION OF THE UNITED STATES,
St. Petersburg, April 4, 1892. (Received April 19.)

SIR: I have the honor to state that His Majesty the Emperor of Russia presented to Capt. R. W. Sargent, commander of the steamer *Indiana*, an enameled goblet in remembrance of the part he took in bringing the flour offered by the citizens of Philadelphia to the people of Russia suffering from want of bread.

His Majesty has caused the goblet to be sent to this legation through Count Vorontzoff Daschkoff, minister of the imperial household, with the request that I would transmit it to its destination. I have accordingly addressed it to the Department of State and entrusted it to the care of Capt. Findley, commander of the *Missouri*, who has just arrived at Libau on a mission similar to that of Capt. Sargent, and who will thence proceed with his ship directly to the United States.

He will forward the goblet, properly encased, to the Department of State, and I have to ask that you will cause it to be sent to the mayor of Philadelphia to be delivered by him to Capt. Sargent. I inclose a copy of the letter of Count Vorontzoff Daschkoff, making known the Emperor's wishes.

I have, etc.,

CHAS. EMORY SMITH.

[Inclosure in No. 165.]

Count Vorontzoff Daschkoff to Mr. Smith.

MINISTRE DE LA MAISON DE L'EMPEREUR,
St. Petersburg, March 17, 1892.

SIR: His Majesty the Emperor presents to R. W. Sargent, captain of the *Indiana*, an enameled goblet in remembrance of the part he took in bringing the flour offered by the citizens of Philadelphia to our people suffering from want of bread. Would you be so kind as to transfer it to its destination and receive,

Sir, etc.,

CT. VORONTZOFF DASCHKOFF.

No. 168.] *Mr. Smith to Mr. Blaine.*

LEGATION OF THE UNITED STATES,
St. Petersburg, April 9, 1892. (Received April 28.)

SIR: I have the honor to report that the steamer *Missouri*, the second of the several relief ships from America, bearing a large quantity of wheat flour contributed chiefly by the millers of the Northwest, arrived at Libau on the 3d instant. As in the case of the *Indiana*, this legation had, with the aid of auxiliary organizations here, made full arrangements for the prompt unloading of the ship and distribution of the cargo. As a result, the flour left Libau in nine trains, made up of two hundred and forty-one cars, apportioned among thirteen provinces and consigned to seventy-five centers and persons for distribution. The last of the trains left Libau on the 6th, and the *Missouri* was able to start on her return voyage yesterday.

Mr. W. C. Edgar, Col. Charles McC. Reeve, and Mr. E. J. Phelps, the commissioners appointed by the governor of Minnesota, came to St. Petersburg in advance, and, after hearing and approving the plan of distribution, proceeded to Libau, where they joined with Consul-General Crawford, Consul Bornholdt, and the Russian authorities in receiving the *Missouri*. This second cargo was welcomed by the Russian representatives and people with the same cordiality and the same honors which were accorded to the *Indiana*, and which were detailed in my No. 160.

I have, etc.,

CHARLES EMORY SMITH.

Mr. Smith to Mr. Blaine.

No. 170.] LEGATION OF THE UNITED STATES,
St. Petersburg, April 12, 1892. (Received April 28.)

SIR: The prospect of an enlarged emigration of Jews from Russia during the coming spring and summer has been a subject of consideration here and of concern abroad. It has been given out through the Jewish Aid Committee of Berlin that an outflow of 400,000 was to be expected. It is probable that, even without restrictions, these would have proved to be exaggerated figures, but at the same time, with the effect of the Russian policy concerning the Jews on the one hand, and with the influence of the public reports of colonization projects on the other, there was every reason to anticipate an increased movement.

The representative of Baron Hirsch, Mr. Arnold White, has been here for some weeks, partly for the purpose of advancing the measures essential to the scheme of colonization, and partly with the object of checking this threatened large immediate emigration. It was naturally felt that, if great numbers of Hebrews should pour out now before the colonies in Argentine are prepared for their reception, and while their admission elsewhere was open to question, it would prejudice and embarrass the whole effort on their behalf. I was advised of these considerations, and in response to questions put to me, I felt warranted by the recent legislation and attitude of our Government and people in concurring in the counsel against premature emigration. No action on my part was asked.

There was simply a request to know whether authority would be

given for a reference to the American legation as approving the advice against an excessive immediate exodus.

It was proposed to send out messengers who should spread this advice, and, though some obstacles were interposed, it is believed that the plan was at least in part carried out.

Recently a factor of great importance has intervened in the matter. You have doubtless learned through the public prints that the German Government has issued orders closing the frontier against the entrance of Russian Jewish emigrants. I am advised that it is not improbable, though not yet certain, that the Austro-Hungarian Government will take the same course. It is stated in defense of this action that as this class of emigrants are not received in England, and as objection is made to their entrance into the United States, they are thrown back and become a charge on Germany. Should the new order be stringently enforced, it will effectually prevent a large outflow before the plans of colonization shall be perfected, but it is supposed that in many cases means of evading it will be found.

All this leaves it uncertain whether the emigration of Russian Jews will be as large as or larger than last year. Probably the most intelligent opinion is that it will be somewhat, but not much larger, but this is only conjecture at the best.

I have, etc.,

CHARLES EMORY SMITH.

Mr. Smith to Mr. Blaine.

No. 171.] LEGATION OF THE UNITED STATES,
St. Petersburg, April 16, 1892. (Received May 7.)

SIR: As you are aware, my present stay in Russia before taking the leave of absence granted in January, has been prolonged more than two months beyond my expectation by obligations growing out of the American movement for the relief of the distress caused by the famine in several provinces of this Empire. Being now about to depart it is proper that I should submit a brief report of this special work.

Up to this date the amount of money contributions received by this legation was 154,777.95 rubles, or about $77,000. Of this sum 69,063.05 rubles came through the New York Chamber of Commerce; 19,775 rubles through the Baltimore fund; 37,176.33 rubles through the Philadelphia Committee (of which about 20,000 rubles, received to-day for a special purpose, have not yet been deposited); 11,243.26 rubles through the Massachusetts fund; and 7,020 rubles through the Cleveland fund. The balance was made up of smaller sums. Of payments from this American relief fund under the control of the legation, 80,125.86 rubles have been made through the relief organization of the British American Church; 11,934.50 rubles through the Jewish committee; 11,020 rubles to Count Leo Tolstoi; 13,196,55 rubles to the special committee of the Czarowitz; besides some smaller amounts.

In addition to these cash receipts two steamers, the *Indiana* and the *Missouri*, laden with flour have arrived; and their cargoes, amounting to nearly 10,000,000 pounds have been distributed under the direction of the legation. I am advised that a third steamer, the *Conemaugh*, is about sailing, and arrangements are being made for a similar disposition of the relief she brings. A fourth steamer is expected, and its

cargo can be distributed in the same manner if desired. An efficient organization has been made which is capable of dealing with whatever contributions may come.

It is felt to be due to the American contributors to inform them of the methods and agents used in conveying their offerings to the suffering peasants for whom they were designed. I have, therefore, prepared as the most convenient form a circular letter embodying detailed statements which need not be repeated here, and it is appended as an inclosure.

I have, etc.,

CHAS. EMORY SMITH.

[Inclosure in No. 171.]

Mr. Smith to the American contributors to the Russian famine relief funds.

LEGATION OF THE UNITED STATES,
St. Petersburg, April 16, 1892.

The American contributions for the relief of the sufferers from the famine in Russia have come in two forms—food and money. Up to the present time two steamers, the *Indiana* and the *Missouri*, have arrived, laden with flour and other breadstuffs. Two more are to come. Besides these shiploads of food, about $77,000 in money have been sent to the American legation for distribution. The value of these offerings is more than 1,000,000 rubles.

The contributors are entitled to know what has been done with their generous gifts. It would involve too much labor and needless repetition to send to every center or committee a detailed statement with the necessary explanation. I, therefore, present a general report in a form which can be submitted to all, and which, it is hoped, will prove satisfactory.

Appended to this letter will be found an exact account of the moneys received and of the payments made. This account is given in rubles—the ruble being substantially the equivalent of 50 cents. The variations observable in the proceeds of equal amounts are due to the fluctuating rate of exchange. Wherever the contributors indicated how their gifts should be applied, their instructions were followed. In other cases, I exercised the discretion entrusted to me. In all cases receipts were taken from the parties to whom the payments were made, and they have been sent to the contributors.

It will be observed that, with the exception of three special payments, which are understood by the particular contributors, all of the money was expended through three channels—the relief organization of the British-American Church of St. Petersburg, the Jewish relief committee, and Count Tolstoi. The work of Count Tolstoi is well known and needs no explanation. Comparatively few Hebrews were among the sufferers, as there are only two of the famine provinces in which they dwell in any considerable number. The greater part of the funds went through the British-American committee. That organization was early selected as the special auxiliary and medium of the American legation in this work. When it first became evident that considerable contributions were coming from America, immediate attention was directed to the method of distribution. Two considerations were manifestly of paramount importance. The first was to find a channel of distribution which should command the full confidence of the contributors, and which should permit the contributions to be followed to their final destination and application. The second was to do this in a manner which would carry the cordial approval and coöperation of the Russian Government.

Fortunately, the relief organization of the British-American Church presented the means of fulfilling both requirements. The pastor, Rev. Alexander Francis, made two distinct and extended visits to the famine region and selected various local agents; consultation was had with landed proprietors of other interested and active people within his and my own personal acquaintance; and by these means, carefully followed through a period of several months, an organization of local committees was built up and extended, through which the distribution could be made directly to the suffering peasantry.

In every case, detailed reports were required, so that it would be possible to tell where every dollar or carload of flour went and what was done with it. This organization assured the most faithful and conscientious application of the gifts, and by personal conference with the highest Russian authorities I satisfied myself that it not only had their approval and confidence, but that they desired to aid it in every practical way.

Through this auxiliary, therefore, I have paid more than 100,000 rubles in money, most of it applied through channels to which I gave personal examination. A few illustrations of its distribution are given. Three thousand rubles were furnished to Madame Davidoff, the chief of a committee that is sustaining some ten villages. Five hundred rubles were given to Countess Olga Tolstoi for material to be worked by peasants. Three thousand one hundred rubles were paid to Madame Weliaminoff, who, with her associate ladies, is carrying on nearly one hundred soup kitchens, relieving the most necessitous in a district with a population of 170,000 souls. Five thousand rubles were sent through the Princess Volkonski, with whom I had several personal conferences, and through whose efforts a large district of Tamboff was cared for. Much attention was given to the Province of Samara, where the famine was at its worst, and where the Russian-German colonies were in great distress. We furnished 45,000 rubles for use there, and a letter to me from Mr. Blessing, who was in general charge of the work in that particular district, says: "Muller and Faidel, his chief agents, have between them saved the cattle and horses in exactly one hundred German colonies and Russian villages. They have established fifty-one soup kitchens, which feed over 12,000 people daily, and they have bought seed for 18,900 acres."

The same machinery was employed in distributing the cargoes of flour. The legation, with the aid of its auxiliary, determined where and through whom every carload should go. We made up complete lists of consignees, which the special committee of the Emperor approved. The Russian Government furnished the necessary cars, transported the flour without cost, and delivered it to the persons whom we designated. Thus the cargo of the *Indiana*, sent from Libau in seven trains, all decorated with the Russian and American flags, was despatched in one hundred and eighty-seven cars, apportioned among ten different provinces, and consigned to forty-five different centers or agents of distribution. The cargo of the *Missouri*, handled in the same way, was sent in two hundred and forty-one cars to thirteen provinces and seventy-five centers. Each agent was notified of the amount sent, and required to make a report of its disposition. Similar plans are being perfected for the coming steamers.

In view of all these arrangements it is believed the American contributors may feel fully assured that their generous gifts have been faithfully applied to the object to which they were consecrated. It only remains to add that these offerings have been cordially received and gratefully appreciated; that they have not only brought great substantial relief, but have done much to promote good feeling between the two nations, and that the thanks of the Emperor, which His Majesty has requested the American minister to make known to the American people, as well as the gratitude also of the Russian people, will be conveyed in suitable form.

I remain, etc.,

CHARLES EMORY SMITH.

The American-Russian famine relief fund—sums received and paid through the American legation at St. Petersburg.

Receipts.	Rubles.	Payments.	Rubles.
1891		1891	
Dec. —. Congregation B'nai Israel, Sacramento	$2,934.50	Dec. —. To relief committee British-American Church	$2,000.00
1892.		Jewish relief committee	934.50
Feb. 10. Chamber of Commerce, N. Y.	20,400.00	1892.	
Feb. 11. Massachusetts relief fund	3,321.20	Feb. 12. To relief committee British-American Church	5,000.00
Feb. 13. Chamber of Commerce, N. Y.	25,375.00	Feb. 12. ....do	3,329.20
Mar. 4. Baltimore relief fund	9,875.00	Feb. 15. To Jewish committee	6,000.00
Mar. 4. Cedar Falls, Iowa, fund	1,033.30	Feb. 16. To relief committee British-American Church	5,000.00
Mar. 7. Chamber of Commerce, N. Y.	9,860.00	Feb. 27. ....do	20,000.00
Mar. 12. Baltimore fund	9,900.00	Mar. 7. To Jewish committee	5,000.00
Mar. 13. Massachusetts fund	7,914.06	Mar. 12. To relief committee British-American Church	15,000.00
Mar. 15. Mennonite fund	2,057.60	Mar. 16. ....do	30,000.00
Mar. 16. Philadelphia fund	9,925.00	Mar. 19. To special committee of Czarowitz	13,196.55
Mar. 17. Proceeds Mrs. Butterfield's concert, N. Y	13,196.55	Mar. 22. To Count Leo Tolstoi	7,900.00
Mar. 18. Through State Department	1,940.91	Mar. 26. To Bishop Antonius Zerr	500.00
Mar. 18. Cleveland fund	3,000.00	Apr. 4. To J. P. Blessing, for Samara	6,951.33
Mar. 22. Philadelphia fund	7,451.33	Apr. 13. To Count Leo Tolstoi	4,020.00
Mar. 25. Cleveland fund	4,020.00	Apr. 16. To relief committee British-American Church	19,800.00
Mar. 31. Walsh-De Roo Milling Co	12.50	Apr. 16. To balance on hand	11,046.37
Apr. 3. Through Department of State	2,521.50		
Apr. 12. Balance Butterfield concert	231.50		
Apr. 16. Philadelphia fund	19,800.00		
	154,777.95		154,777.95

Mr. Blaine to Mr. Wurts.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 29, 1892.

Conemaugh, Spencer, captain; sailed Philadelphia for Riga; cargo over 5,000,000 pounds provisions, Russian sufferers.

BLAINE.

Mr. Blaine to Mr. Wurts.

No. 163.] DEPARTMENT OF STATE,
Washington, April 29, 1892.

I inclose a copy of a letter from his honor, the mayor of Philadelphia, of the 26th instant, concerning this shipment by the *Conemaugh*.

I am, etc.,

JAMES G. BLAINE.

Mayor Stuart to Mr. Blaine.

OFFICE OF THE MAYOR,
Philadelphia, April 26, 1892. (Received April 28, 1892.)

DEAR SIR: I beg to advise you that on Saturday last, 23d instant, the American steamship *Conemaugh*, Capt. James H. Spencer, left the port of Philadelphia bound for Riga, Russia, with the following cargo of supplies for the starving people of Russia: Flour, 33,163 sacks—5,101,260 pounds; flour, 561 barrels—112,200 pounds; rice, 400 sacks—88,000 pounds; miscellaneous, 80 packages—4,000 pounds; total, 5,305,460 pounds. And that Mr. Francis B. Reeves, as commissioner from the Citizens' Russian Famine Relief Committee, of this city, sails to-day from New York by steamship *Waesland* for Antwerp, and will proceed thence immediately to St. Petersburg.

Yours, etc.,

EDWARD S. STUART.
Mayor and Chairman Relief Committee.

Mr. Blaine to Mr. Wurts.

No. 167.] DEPARTMENT OF STATE,
Washington, May 7, 1892.

SIR: I herewith inclose a check from the mayor of Norfolk, Va., dated May 2, 1892, No. 59264, on the Marine Bank of New York City, for $167.49, the proceeds of which are to be applied to the relief of the Russian sufferers, as follows: One-half to the British-American Church, three-tenths to the Jewish Society, and two-tenths to Count Tolstoi.

You will immediately draw upon the Secretary of State for this amount, and disburse it as above indicated.

I am, etc.,

JAMES G. BLAINE.

Mr. Wurts to Mr. Blaine.

No. 183.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 16, 1892. (Received May 31, 1892.)

SIR: The Official Gazette of the 1st–13th instant published a ukase as follows:

In view of the favorable results obtained from the measures taken, by imperial order, to assure food for the people and seed for the fields, it is judged useful, for the sake of the national commerce, to authorize—

(1) The free exportation of maize, both by sea and by the western continental frontier.

(2) The free exportation of the stock of oats in store at Archangel, Libau, Reval, and Riga, the ministry of finance being charged to make proper arrangements in detail for the control of the customs institutions.

This is the first official indication that the terrible trial to which Russia has been subjected these last six months is drawing to a close. It is moreover confidently believed that the exportation of all grain, with the exception of rye, will be permitted from the 1st of July, or perhaps, as some say, even as early as the 1st of June, old style. There has also been of late a collapse in the price of grain, the fall being between 80 and 100 per cent, which has developed the existence of vast quantities of grain hoarded by speculators. This will enable the authorities to deal easily with what remains of the famine, and with the opening of navigation everywhere it is fully expected that the condition of the people in the suffering provinces of the Empire will soon resume its normal appearance. The third and the fourth vessel sent with provisions from the United States will still reach these shores in time to alleviate much distress, as also to escape the criticism of "bringing coals to Newcastle;" but it may now be questioned whether it be advisable to make further donations in kind for the relief of the famine stricken of Russia. In fact, several newspapers of this country have plainly intimated that these gifts should cease, as they derange the market, erroneous ideas existing as to the quantity of grain sent from America.

It is, however, safe to say that contributions in money will still be welcome and of great help to the impoverished people of the provinces not yet recovered from the severe crisis of the past winter.

I have, etc.,

GEORGE W. WURTS.

Mr. Blaine to Mr. Wurts.

No. 171.] DEPARTMENT OF STATE,
Washington, May 17, 1892.

SIR: The manager of the News and Courier, of Charleston, S. C., has forwarded to this Department a further check for the sum of $615.33, being the amount of additional contributions received by that newspaper for the sufferers from the Russian famine. You are authorized to draw on the Department for the amount above mentioned and to distribute it as before, one-half to the British-American Church, three-tenths to the Jewish Society, and two-tenths to Count Tolstoi.

I am, etc.,

JAMES G. BLAINE.

Mr. Wurts to Mr. Blaine.

No. 187.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 19, 1892. (Received June 3.)

SIR: On the 30th ultimo I received a telegram from you as follows:

Conemaugh, Spencer, captain, sailed Philadelphia for Riga; cargo, over 5,000,000 pounds provisions; Russian sufferers.

I have now to report the arrival at Riga, on the 13th instant, of said vessel, sent by the Russian famine relief committee of Philadelphia, and that by extraordinary dispatch it was discharged within forty-eight hours, its cargo being immediately transported to seven railway trains, consisting of two hundred and twenty-two wagons, for apportionment among fifteen provinces, and consigned to ninety-five centers and persons for distribution.

As in the case of the *Indiana* and the *Missouri*, this legation had made the necessary arrangements with the committee of the British-American Church of St. Petersburg and the special committee under the presidency of the Czarowitz for the discharge and distribution of the cargo of this the third vessel from America with provisions for the suffering people of certain provinces of Russia.

The *Conemaugh* was met at Riga by Mr. Francis B. Reeves, of the Philadelphia relief committee, who superintended its discharge and approved the plan of distribution of its cargo, arranged before his arrival, Consul-general Crawford, and Count Andrew Bobrinsky, delegate of the Czarowitz's special committee, to attend to the loading and expedition of the trains to the provinces. The vessel was received with much the same formalities and honors as accompanied the arrival of the other ships with provisions from our country, which were related in Mr. Emory Smith's dispatches on the subject.

I have, etc.,

GEORGE W. WURTS,
Chargé d'Affaires ad interim.

Mr. Wurts to Mr. Blaine.

No. 191.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 25, 1892. (Received June 13.)

SIR: I have the honor to acknowledge the receipt of your Instruction No. 167, of the 7th instant, directing me to draw upon the Secretary of State for $167.49, received from the mayor of Norfolk, Va., the proceeds of which to be applied to the relief of the famine sufferers in Russia, as follows: One-half to the British-American Church, three-tenths to the Jewish Society, and two-tenths to Count Tolstoi.

I have now to advise you that I have to-day drawn the above sum in favor of the St. Petersburg Commercial Joint Stock Bank, and that the proceeds of the draft will be distributed as directed.

An account of the same will be rendered to the Department as soon as the acknowledgments from the recipients reach me. The Department having transmitted several contributions made in the United States for the relief of the famine sufferers in Russia, with directions to forward the same, or part of them, to Count Leo Tolstoi, to be used by him in his efforts to help the afflicted, interest may be found in a report of his charitable work recently published in a Russian newspaper, The News.

I therefore inclose herewith a translation of this report, and am, sir, etc.,

GEORGE W. WURTS,
Chargé d'Affaires ad interim.

[Inclosure in No. 191.—Translation.]

A report, from the News, of Count Leo Tolstoi's relief work among the famine stricken of Russia.

It is known what efforts of energy and abnegation have been displayed this winter by private benevolence in the provinces suffering from famine.

It has been the landed proprietors who have done most to alleviate the distress about them and their estates, and among them no one has labored on a larger scale than Count Leo Tolstoi, seconded by the members of his family. In view of the similitude of the character of the activity of the count, and of that of most of the landowners, the report of his philanthropic enterprise, published by the illustrious writer in the News, is of interest.

This report embraces the activity of six months. The count and his two daughters have worked in four districts, Epiphane, Efremoff, Dankoff, and Skopine. They have there organized 187 refectories for 9,003 persons. Besides this they have founded since February eighty asylums for very young children, in which babes at the breast and children of less than three years of age receive milk and gruel.

The alimentation of one of these children costs, on the average, 60 copeks (about 30 cents) per month. Up to the 12th of April 800 of them were cared for, and this branch of benevolence is increasing rapidly.

The activity of Count Tolstoi is not limited to providing food for the people, but is extended to the generality of wants of the needy peasant.

From all sides flow in offerings, by means of which he has disposed of vast resources for the extension of his grand projects. Without counting the sums sent to his three sons, who are working for the same purpose in the province of Sumara and the district of Tehern, the celebrated writer has himself collected, coming from Russia, as well as from abroad, the sum of 142,597.92 rubles, equal to about $71,298.96. Besides money the count received many gifts in kind, firewood, hay, straw, flax, etc. The sum total of the donations made for the work undertaken by Count Leo Tolstoi and his family is estimated at about one million rubles ($500,000.)

Thus he has not only succeeded in supporting the population within the radius of his activity, but also in protecting them from the cold.

To the least suffering he sold firewood at a low price; to others he distributed it gratis. The poorest also received materials necessary for clothing and foot-covering. He has, besides, supported 426 horses belonging to peasants, and in urgent cases has distributed small sums of money for the burial of the dead, payment of debts, maintenance of small schools, buildings, etc.

With the approach of spring, the activity of Count Tolstoi became greater. It was necessary to distribute the seed of oats, potatoes, hemp, millet, as apart from the regular spring planting, in many places replowing and replanting had to be done over, at times as much as one-third of the winter fields.

It became, also, urgent to obtain horses. Up to April sixteen horses had been purchased at 25 rubles each; since then one hundred more have been bought. Every peasant who receives a horse gratis is obliged to plow the lots of land of two other peasants who possess no horses. The Gazette of St. Petersburg (Russian) states that the report of Count Tolstoi produces an excellent impression, being the demonstration of what private initiative is capable of accomplishing, without taking into consideration (*abstraction faite*) that the initiative of the illustrious writer is, by its extent, variety, the degree of success, and practical sense shown therein, without example in the annals of private philanthropy in Russia.

Mr. Blaine to Mr. Wurts.

No. 178.] DEPARTMENT OF STATE,
Washington, May 31, 1892.

SIR: The Department is in receipt of a check for $11.51 collected by the public schools of Florence, S. C., for the Russian famine sufferers. You are instructed to draw on the Department for that amount and to distribute it in the same manner as the previous contributions have been distributed.

I am, etc.,

JAMES G. BLAINE.

Mr. Wurts to Mr. Wharton.

No. 201.] LEGATION OF THE UNITED STATES,
St. Petersburg, June 16, 1892. (Received June 30.)

SIR: I have the honor to inclose to you herewith a translation of the law adopted by the Imperial Government regarding the emigration of Hebrews from Russia under the project of Baron Hirsch, which received the supreme sanction of the Emperor on the 8–20th ultimo.

I have, etc.,

GEORGE W. WURTS,
Chargé Affaires ad interim.

[Inclosure.]

Statutes or regulations for the committees of emigration.

1. The committees of emigration instituted by the present statutes have for their object to contribute to the emigration of Russian Israelites by their transplantation in other countries.

2. There will be created a central committee at St. Petersburg, which will be assisted in various cities of the Empire by local committees, whose formation will proceed successively, following the need and the previous consent of the minister of the interior. The central committee, as well as the local committees, shall work under the supervision of the Government, which can suppress and annul all their arrangements and their activity, with all the consequences, if the minister of the interior finds it necessary.

3. The central committee is under the jurisdiction of the ministry of the interior, and is placed under the supervision of the department of police. It is composed of seven to eleven members designated, with the consent of the minister of the interior, by the president of the Jewish Colonization Association. The minister of the interior can at any time require the resignation of those members of the central committee whose activity does not respond to the views of the Government.

4. In case of the death or the retirement, for any reason, of a member of the committee his successor will be designated in the manner indicated in the preceding article.

5. The central committee will choose from among its members a president, vice-president, treasurer, and secretary. These appointments are made for one year. The officers are eligible to reëlection.

6. Three members at least of the committee designated for one year by their colleagues and reëligible form an executive committee, charged with the management of affairs and with the necessary relations with the Government in everything which concerns the enterprise, as well as with the direction of the railroads for the free transport of emigrants to the frontier.

7. The divisions of the central committee are determined by an absolute majority of the numbers present. The presence of at least four members of this committee is necessary for the validity of its deliberations. In case of an equal division of votes the vote of the president decides. In case of the absence of the vice-president the oldest member present will preside.

8. The decisions of the central committee are put in force only after the authorization of the minister of the interior. If the minister, within a month of the reception of the decisions, shall not have notified the central committee of their annulment they can be put into execution. The central committee must submit every year to the minister of the interior a report of what has been done.

9. The central committee, being in constant relations with the Jewish Colonization Association, should keep the latter informed of its work and transmit to the said association the *procès-verbal* of its sessions, as well as of the sessions of the executive committee. The central committee receives the *procès-verbal* of the local committees.

10. The president of the Jewish Colonization Association can at any time charge one or several delegates to verify upon the ground the work of the committees and to assist at their sessions. The designation of these delegates must be submitted to the previous approbation of the minister of the interior.

11. The services of the members of the committee are gratuitous.

12. The central committee organizes its bureaus according to the needs of the service.

13. Before the commencement of operations of the central committee, the Jewish Colonization Association shall lodge 100,000 rubles in the State bank in St. Petersburg, in deposit for the minister of the interior. Out of this capital shall be defrayed by order of the minister of the interior all expenses which may be incurred in connection with the return and repatriation in Russia, on account of the Government, of Jews who shall have emigrated with the assistance of the above committee. The sum expended out of the above 100,000 rubles shall be completed by the Jewish Colonization Association on the demand of the minister of the interior, when the available balance shall not exceed 25,000 rubles. The interest on the above capital constitutes the property of the association, and shall be payable to its authorized agents.

14. The local committees are under the supervision of the governors or persons who are designated by them for this purpose.

15. All of the arrangements of the local committees are brought to the knowledge of the governors, who can arrest their execution while submitting them to the approbation and authorization of the minister of the interior.

16. The members of the local committees are named by the central committee for a term and under conditions to be determined by it. The nominations must be submitted to the previous approbation of the minister of the interior.

The minister of the interior can at any time require the resignation of members of the local committees whose activity does not respond to the views of the Government.

17. In places where the elements necessary for the formation of a local committee are not found, the central committee can name one or two delegates charged with the functions of the local committees. The method of the designation, as well as the revocation of these delegates, is subject to the provisions of articles 13–15.

18. The services of members of the local committees are gratuitous. The delegates mentioned in the preceding article can, in case of need, receive compensation.

19. If a committee is formed in a province its jurisdiction covers the whole extent of the province. In case of the formation of several committees or of the designation of two or more delegates in the same province, the range of the activity of each of them will be determined by the governor.

20. The central committee, as well as the local committees, are authorized to receive donations and legacies in view of the object defined by article 1 of the present statutes, but on condition that they must be in ready money or in paper bearing interest.

21. The central committee and the local committees shall have seals bearing the name of the committee with the inscription "Colonization of Russian Israelites."

22. Employment in the commissions gives to Israelites no right or privilege in respect to the choice of the place of their habitation.

23. The direction of the Jewish Colonization Association will indicate successively to the central committee the number of emigrants who can be sent to the frontier in a specific period, and the central committee will divide this number between the different localities in accord with the Jewish Colonization Association.

24. The local committees, as well as the delegates of the central committee, will prepare for each person desiring to emigrate a sheet conforming to the model appended, which is subject to modification.

No. Month. Year.

I. *Head of family.*

a. First and surname.
b. Age.
c. Place of inscription.
d. Military conscription district in which registered.
e. Present place of abode.
f. Former abode and time of residence therein.
g. Occupation.
h. Has such occupation latterly served as a means of livelihood.
i. Amount of yearly earnings.
j. Means for traveling and purchase of land.
k. Amount of money.
l. What relations or acquaintances he may have in the Argentine Republic or other non-European countries.
m. Their names.

II. *Wife.*

Name, age, place of birth, occupation, how long married.

III. *Children.*

a. Number of children, boys and girls.
b. Name, age, place of birth, occupation of each child.
c. Military conscription district in which male children are registered.

IV.

Can the parents and children read or write.

V.

Do other members of the family live with and are supported by the head of the family.

VI. *Remarks.*

a. Respecting the answers supplied and particularly with regard to occupation.
b. Respecting the mental and physical capacities of each member of the family, condition of their health, etc.
c. The special aptitudes of a given person must be pointed out, and whether the person desirous of emigrating is capable of agricultural labor.
d. Whether the head of the family and his sons have performed military service.
Signature of head of family.
Signature of member of commission or of authorized agent.
Remarks of government officials or institutions.

25. Two copies of the sheet are prepared, one in white and the other in blue. The two copies bear the same number, and the correctness of the information given is certified by the competent committee or delegates.

26. The sheets prepared according to the preceding article are simultaneously sent by the committees or delegates; the blue to the governor of the place, the white to the central committee, which transmits them to the direction of the Jewish Colonization Association.

27. The direction of the Jewish Colonization Association, after having examined the white sheets above mentioned, returns them to the central committee and the latter presents to the department of police, in the original, those of the sheets which relate to the individuals indicated for emigration. The sheets must bear the stamp showing that they have been examined by the association.

28. The white sheets relating to Jews of military age indicated for emigration must be presented, conformably to the preceding article, to the department of police, at the latest on the 1st of March of the year in which these persons are obliged to present themselves for the draft.

29. Simultaneously with the presentation to the department of police of the white sheets the central committee communicates to the local committees or to its delegates the list of sheets with the indication of their numbers.

30. The local committees, as well as the delegates, fulfil the formalities required by the authorities concerning the free departure from the empire of the individuals indicated for emigration and, after having received from the governors the permits to leave, charge themselves with the care of forwarding the emigrants to the frontier within a period which should not exceed one month from the receipt of the said permits.

31. The lists of emigrants must be sent by the local committees, eight days at least before their departure, to the central committee or to the person who will be charged by the Jewish Colonization Association to receive the emigrants at the frontier.

32. The committee as well as the delegates are required to inform the local police, in sufficient time, of each considerable removal of emigrants and of the frontier toward which they are directed.

33. The Jewish Colonization Association as well as the committees of emigration are authorized to bring to the knowledge of the Israelite population that the Israelites who shall have emigrated without the consent of the committees which work under the supervision of the Government, can not count upon any aid either on the part of the said association or on the part of the committees. The notices as well as the appeals can be published and distributed only after the previous authorization of the minister of the interior.

34. The Israelites possessed of the necessary means to emigrate and to establish themselves abroad without the pecuniary assistance of the committees and of the Jewish Colonization Association can nevertheless be invited to address themselves to the agency of the committees which will facilitate the obtaining of the necessary documents and accomplish for them the formalities demanded.

Mr. Wurts to Mr. Foster.

No. 204.] LEGATION OF THE UNITED STATES,
St. Petersburg, June 21, 1892. (Received July 7.)

SIR: Although the sending of the steamer *Tynehead*, under the auspices of the American Red Cross Society and Mr. B. F. Tillinghast, of the Davenport Democrat, Iowa, with provisions for the famine-stricken of Russia, has not formed the subject of any official communication with this legation, it is proper, as the arrival of the other vessels from our country on the same mission of mercy has been duly reported, to make statement of the delivery of this, the fourth, offering in aid of the afflicted in certain provinces of this Empire.

The *Tynehead* reached Riga on the 28th of May. It was met there by Dr. J. B. Hubbell, general field agent of the American Red Cross Society, and Count Andrew Bobrinsky, delegate of the special committee under the presidency of the Czarowitz. These gentlemen had previously, at St. Petersburg, arranged, in conjunction with this legation and the committee of the British-American church, for the distribution of the cargo of the *Tynehead*, and with the same dispatch as had attended the discharge of the other vessels with grain for the famine sufferers, its freight was, in a few days, on its way to the distressed regions, on ten trains consisting of 307 cars, apportioned over sixteen provinces and consigned to eighty-two centers or persons for distribution. The reception of the *Tynehead* at Riga was, at the request of Dr. Hubbell and this legation, less ostentatious, but none the less cordial, than that extended to the other vessels.

Dr. Hubbell having gone directly thence to Moscow, I know little of the details; but I am informed that the captain of the *Tynehead* was the recipient, as was the case with the captains of the other steamers, of a very handsome testimonial from the Emperor, which was delivered to him by Count Bobrinsky. While on the subject of the famine sufferers and the relief sent to them from our country, it may be appropriate to add the substance of a report just published of the operations of the special committee under the presidency of the Czarowitz. It is stated that since December 1–13, 1891, some 46,000,000 poods (38 English pounds to the pood) of cereals have been employed in provisioning the populations afflicted by the famine in seventeen provinces of the Empire, without counting 23,000,000 poods reserved for planting. The committee has still at the present time about 13,000,000 poods of provisions for distribution during the month and a half which has to be provided for until the new crops are gathered.

Some surprise is expressed that there should be still 5,000,000 poods of grain for planting, which should have been over by the 25th of May; but it is explained that on account of the bad condition of the roads the transportation of grain was delayed, and that the peasants were obliged to borrow grain necessary for planting, which will be returned by the committee to the persons who advanced it. According to the data published by the committee, the regions afflicted by the famine had nevertheless a considerable stock of grain; thus, of the 46,000,000 poods given for food to the population, 11,000,000 were furnished by the local markets, which, of the 22,000,000 of poods for planting, furnished 10,000,000; that is, 25 per cent of the first category of these cereals and nearly 50 per cent of the second.

I have, etc.,

GEORGE W. WURTS,
Chargé d'Affaires ad interim.

Mr. Wurts to Mr. Foster.

No. 223.] LEGATION OF THE UNITED STATES,
St. Petersburg, July 20, 1892. (Received August 4.)

SIR: I have the honor to report to you that the steamer *Leo*, Capt. Cairns, bringing some 3,000,000 pounds of grain for the famine sufferers in Russia, reached St. Petersburg the morning of the 14th instant. The cargo of this vessel was raised by the efforts of the newspaper, Christian Herald, and the Rev. Dr. T. DeWitt Talmage, of Brooklyn, N. Y. Dr. Talmage and Mr. Louis Klopsch, the proprietor, I understand, of that publication, arrived here in time the same morning to meet their messenger of good will and sympathy, and by invitation of the prefect, proceeded down the river as the *Leo* approached the lower port. On the prefect's launch were also the mayor and several members of the city council of St. Petersburg, the marshal of the nobility of the province, the marshal of nobility of the district, Count André Bobrinsky, representing the special committee of the Czarowitz for the famine relief, the consul-general of the United States, and the members of this legation. The captain of the *Leo* was cordially saluted and congratulated upon the happy termination of his voyage. Speeches were made by the mayor and Dr. Talmage. A handsome silver speaking trumpet was presented by the mayor to the captain, whilst his first mate was the recipient of a silver gilt drinking cup. A few days later a small silver cup was presented by the mayor to each member of the crew of the *Leo*.

There was great publicity given to the reception of Dr. Talmage and Mr. Klopsch at the city hall, which was finely decorated with the flags of the United States and Russia, plants, flowers, etc., and when they were presented by the mayor and council with an album bound in silver and enamel, containing an address of thanks for their offering. Speeches were made by the mayor, Dr. Talmage, Mr. Klopsch, and Count A. Bobrinsky, and the meeting terminated with a toast to the President of the United States by the mayor, which received response by Dr. Talmage, who proposed the health of the Emperor and Empress. There was no representative of the Imperial Government present beyond the local authorities.

The coming of the *Leo* with its partial cargo for the famine sufferers was, if possible, of a more private character than that of the preceding four vessels, for, in connection with these, several communications were sent by the Department; but there is not a line on file at this legation of the dispatch of the *Leo*, either from Dr. Talmage, Mr. Klopsch, or any other party.

Dr. Talmage and Mr. Klopsch were treated with great attention during their stay, and were sent for by the Czarowitz at Peterhof, who expressed to them his appreciation of their kindness. Dr. Talmage is to have audience, at his own request, of the Emperor, on Friday, the 22d.

The grain brought by the *Leo* filled one hundred cars, was apportioned among sixteen provinces and consigned to fifty-seven centers or persons for distribution.

I have, etc.,

GEO. W. WURTS,
Chargé d'Affaires ad interim.

Mr. Wurts to Mr. Foster.

No. 224.] LEGATION OF THE UNITED STATES,
St. Petersburg, July 23, 1892. (Received August 9.)

SIR: I have the honor to transmit to you herewith a copy and translation of an article from yesterday's number of the Journal de St. Petersburg, reproducing one from the Journal of the Ministry of Finances, relating to the movements of Russian emigration to America, which may be of interest to the Department.

I may add in this connection that some foreign journals have made the statement that the Governments of Austria-Hungary and Germany have recently issued orders prohibiting Russian emigrants from crossing their frontiers. I have no positive information of the fact. However, our legations at Vienna and Berlin have doubtless advised the Department concerning it.

I remain, etc.,

GEORGE W. WURTS,
Chargé d'Affaires ad interim.

[Inclosure in No. 224.—Translation.]

From the Journal de St. Petersburg of July 10–22, 1892.

The Journal of the Ministry of Finance publishes interesting information relating to the movement of Russian immigration to America.

Fifteen years ago, the number of these immigrants was only a few thousands (from 3,000 to 8,000) a year. In 1885, this figure rose already to 19,000, and from that time the immigration movement from Poland, Finland, and Western Russia took definitive form. The steamers of Bremen, Hamburg, and other German ports transported from European Russia to America in 1886, 33,783 persons; in 1887, 29,559; in 1888, 39,629; in 1889, 36,307; in 1890, 85,548, and in 1891, 109,515 persons. Another stream of emigration from Russia flows by way of Antwerp, Rotterdam, Amsterdam, as also by French and English ports, but it is much less important than the first.

The total number of Russian emigrants last year was as high as about 120,000 individuals. The great mass proceeds to the United States of North America; but since 1890 Brazil and the Argentine Republic exercise also a force of attraction on tens of thousands of Poles and Russian Jews.

The Governments of the South American Republics make great efforts to attract European emigration. They assume the expense of the journey, pay premiums to societies of navigation and emigrant agents. Thus many of these intermediaries act without scruple in their endeavors to attract peasants by all sorts of fine promises, which mostly, it is but too well known, remain far from realization.

Since the Jews are no longer able to spread themselves in the interior of Russia, when formerly they penetrated easily, they have been obliged to turn to the west, but the countries of the west of Europe refusing to receive them, they seek fortune in the New World.

It is thought that in 1890 America received as many as 40,000 Russian Jews, which figure in 1891 rose probably to 60,000. As regards the Polish emigrants, they generally go to America only to sojourn a certain number of years. They do not lose sight of their families remaining in the country, and they send to them frequently money earned in America. Their salaries are considerable, as proved by the amount sent to their relatives.

According to information gathered by the office of the governor-general of Warsaw, and which reports for only five months (from December 5, 1890, to May 15, 1891), it is shown that in three frontier provinces alone the sum of 240,000 rubles was received from North America. In the provinces of the Kingdom of Poland the daily salary of a field laborer, an adult, has fallen to 40 copeks, without food; that of a woman to 25 copeks, even during the period of agricultural work. The rest of the year this salary is not beyond 30 and 15 copeks. The reason is that the supply *exceeds* the demand. Poland is the most densely populated of any part of the

Empire; 80 inhabitants are counted to the square verst and the entire population already reaches nearly 9,000,000 of inhabitants.

Nevertheless every year there is a notable increase of the population. It is but the excess that emigrates. For this reason, in the opinion of our colleague, there is no occasion to place obstacles in the way of emigration, although it may be desirable that a portion of this excess should be directed towards the open countries of Asiatic Russia and especially along the Trans-Siberian railway now under construction.

At the same time there is a fascination in the emigration movement going on in our western provinces. In Lithuania, notably, peasants, free, possessing lots of land of 30 deciatines (2½ acres to the deciatine) of excellent quality, have been seen to abandon all to go to America.

SPAIN.

Mr. Bayard to Mr. Strobel.

No. 217.] DEPARTMENT OF STATE,
Washington, September 2, 1887.

SIR: I transmit a copy of correspondence named below, bearing on the recent apparent very harsh, ungenerous, and unjustifiable treatment of an American citizen, a venerable missionary of the American Board of Commissioners for Foreign Missions, at Ponape, Caroline Islands, the Rev. Mr. Doane, by the new governor of those islands.

You will possess yourself of the facts contained in these communications, and without alluding unnecessarily to the anti-protestant influences which they assume as at the base of the difficulties, will present a distinct outline of the same to the wise consideration of Her Majesty's Government and say that in view of the heretofore unbroken friendship between the two governments and their treaty relations, and more especially in view of the unreserved assurances conveyed to the Government of the United States in February, March, and May, 1886, that Her Majesty's Government would guarantee to United States citizens in the Caroline Islands full rights and complete protection, this Government has received information of these extraordinary measures and events with mingled pain and astonishment.

It is understood that Mr. Doane has at length been released from durance, but these papers indicate that a great wrong has been inflicted by the authorities of the islands on the entire interests of the peaceable American community which has been engaged in civilizing and educating the natives of these remote dependencies for nearly half a century—interests in every way tending to promote and in no way to hinder the prosperity of Her Majesty's subjects.

The United States is justified, under these circumstances, in asking that Her Majesty's Government will speedily restore these American interests to their former standing in all possible particulars, and that all due indemnity be made to those citizens of the United States in the Caroline Islands who have suffered damage in person or loss in property by reason of the unwarranted proceedings of the local authorities.

You can intimate personally at the foreign office that you believe your Government would be much gratified to hear that such dispositions have been made in respect of the future government of the islands as would, from the high character of the incumbents, preclude the recurrence of similar unfortunate incidents so fraught with danger to the best interests of both countries.

I am, ect.,

T. F. BAYARD.

[Inclosure in No. 217.]

Mr. Voigt to Mr. Porter.

No. 177.] CONSULATE OF THE UNITED STATES,
Manila, July 9, 1887.

SIR: Serious trouble has arisen between the newly installed Spanish governor of Ponape, Island Ascension, East Caroline group, and our missionaries settled there. The case is a hard one. The Rev. Mr. E. T. Doane, head missionary, who during a

residence of thirty-five years, in conjunction with his brethren, in yonder region, not only has successfully reclaimed from barbarism the natives, but also produced those beneficent material changes our missionaries are so apt to create; this venerable and honored Mr. Doane, upon protesting before the Spanish governor of Ponape against the latter's threatened and partly enforced encroachments on the missionaries' landed property deeded to them years ago by the native chiefs, was ordered and given fifteen days' arrest in close confinement on a Spanish transport at the place, by the aforesaid governor, for the reason that the word *arbitrary* was made use of in Mr. Doane's written protest. And to add fresh indignity on the old gentleman's head the same high-handed official took it upon himself to add two months extra arrest, likewise to be suffered in the Spanish transport ships, without even deigning to inform the unfortunate missionary for what, giving him merely to understand there were other charges against him which the governor neither did nor could specify. Finally, by latter's behest, he, Doane, was sent up to Manila to be tried, it was stated by the former, and he reached here in the transport which had last been his prison, day before yesterday, presenting himself before me, yesterday and asking my assistance. And Mr. Doane, with his honorable age, white haired, is assuredly innocent and most outrageously dealt with. In corroboration of which I enclose letters No. 1 and 2, which will give you further insight into this singular business, which I can only explain by believing the Spanish governor at Ascension to have taken leave of his senses.

I have this day addressed a communication embracing the foregoing facts to his excellency the Governor-General of the Philippines, strongly protesting against the cruel treatment meted out to the aforesaid missionary, and adding I should claim my consular privilege to be present at any trial or examination he may here be subjected to. I have also claimed such reparation, etc., as the case may necessitate or your Department judge proper to insist upon.

The real trouble seems to be that when the new administration for the Carolines arrived there, about the middle of March last, it landed there a number of Capuchin friars who, as was to be expected, are bent upon driving out our Protestant mission, and will, undoubtedly, in course of time, succeed in their powerful effort and in this dependency all pervading influence. It might consequently be extremely advisable to order a naval visit as soon as possible to Ponape, Ascension Island, to afford protection to the there remaining band of missionaries, who otherwise would be at the mercy of a crack-brained governor and a tribe of fanatical monks.

Any further developments I shall have the honor to report in my next dispatch.

I have, etc.,

JULIUS G. VOIGT, *Consul.*

[Inclosure 1 in inclosure 1 in No. 217.]

Missionaries at Ponape to Mr. Voigt.

OUA, PONAPE, *June 15, 1887.*

HONORED SIR: We, the members of the Ponape or Ascension Island Mission, under the charge of the American Board of Commissioners for Foreign Missions, located in Boston, United States of America, write you asking your earnest and prompt attention to the case of one of our number, the Rev. Edward T. Doane, who, under false charges made against him by foreigners of the lowest class on the island, is deported to Manila by order of Señor Y. Posadillo, governor of the Eastern Carolines. We write you as American citizens, and such we have ever been. Our connection with the above-named society is asure guarantee of our good character. We one and all, with no mental reservation, do assert that the charges made against our associate are false and are malliciously made. I will inclose a paper containing the charges made against Mr. Doane. This paper may not be correct, as he has not had it from the governor, but from one who refused to sign a paper containing these charges. A paper containing a fuller statement of the facts in regard to his imprisonment and the charges made against him will be put in your hands by Mr. Doane or some other person immediately on his arrival at Manila. We are concerned mainly that you give your earnest and prompt attention to his case that the matter may come before the American Government at the earliest possible date. We unhesitatingly affirm that every charge is false.

Mr. Doane was arrested on the 13th of April last, and on the 15th sentenced to fifteen days' imprisonment for a phrase in a letter sent by him to the governor in regard to the mission land at Kenan, now Port Santiago. When the fifteen days were over he was informed by the governor that he was to remain longer on new charges, but he has never been officially informed of the nature of those charges or given any opportunity to defend himself.

But it is not for us to discuss the matter. We simply, as American citizens, who feel deeply for her honor and are sure that she will not allow any of her subjects to be unjustly dealt with however far he may be from the land of his birth, write you as we do.

We would say further that we, as American citizens residing on Ponape, do ask that the attention of our Government be called to the lands held here by the American Board of Commissioners for Foreign Missions, some of which have already been taken from us.

We would say further that the wife of the Rev. F. E. Rand accompanies Mr. Doane on her way to the States for ill health. She will be able to make such statements to yourself respecting Mr. Doane and the lands spoken of above as you may need.

We remain, dear sir, yours,

ANNETTE A. PALMER.
F. E. RAND.
C. S. RAND.
J. E. FLETCHER.

I. By Russ and Kehoe—putting girl in irons.

II. That he told natives at Kiti and Metalanim to take guns and take the ship *Manila*—that an American man-of-war would come and make all right.

III. Taught natives to pray that the vessel go down and be wrecked.

IV. Interfering with trade, tabooed the natives. Russ wanted $5,000 from the American board of commissioners for foreign missions.

V. That he had guns in his house to give natives to fight.

In addition to this it is said that the governor has three of his letters.

[Inclosure 2 in Inclosure 1 in No. 217.]

Mr. Dean to Mr. Voigt.

YAP, *June 27, 1887.*

DEAR SIR: I take the liberty of introducing to you the bearer, the Rev. Mr. Doane, a prominent member of the American Missionary Society, who it seems is the victim of a parcel of designing and unprincipled men. It is not requisite for me to state his case; he is very well able to do it himself and only trust that a facility will be given him to do so. I need only state that his reputation is above reproach, as his calling should guarantee. I have known him by the reports of his good acts for the last fourteen years, though this is the first time that we have met personally. Trusting that he may find in you officially a friend who will see justice done him,

I remain, dear sir, yours faithfully,

D. DEAN.

[Inclosure 2 in No. 217.]

Mr. Smith to Mr. Bayard.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset street, Boston, August 30, 1887.

DEAR SIR: I am able this morning to place in your hands a copy of a letter from the mission of the American board located on Ponape, Caroline Islands, written officially to notify us of the facts connected with Mr. Doane's arrest and imprisonment, and to inform us of the manner in which the Spanish officials are interfering with our missionary work, and to ask our aid and counsel. Accompanying this official letter is a record of the official action of the mission in the case, a copy of which I send. I add, also, a copy of a letter just received from Rev. J. D. Davis, D. D., of our mission in Japan, a brother-in-law of Mr. Doane, including a letter from Mr. Doane to him, which recites some of the more serious and shocking results of this unwarranted interference with our mission work, in the demoralization of the natives, the breaking up of schools and churches.

With such facts laid before us, so plainly indicating the unfriendly attitude the Spanish Government is disposed to take toward the missionary work which for

thirty-five years our American missionaries have carried on, with great self-denial and with wonderful results in the Christianizing and civilizing of these people,* we cannot forbear renewing our appeal to our Government to make prompt and thorough inquiry into this whole matter, and to insist upon it that Spain shall treat our American missionaries and their work in those islands with the respect and consideration which treaty rights between that Government and ours require, with as much respect and consideration as Mohammedan Turkey and heathen China show to our missionaries within their borders. After what has happened it is not enough that Spain returns Mr. Doane to Ponape justified. She must fully indemnify him for all losses and wrongs experienced at her hands. She must also explain to our Government this remarkable treatment of one of our citizens; and she must give adequate pledges that nothing of this kind shall occur again, and that our missionaries shall be protected by her in the prosecution of their missionary work and in all their rights of person and property. Nothing less than this will meet the case. Nothing less than this save the honor of our Government. Nothing less than this will meet the demands of public opinion in this land, and in all other Protestant lands.

We can not doubt that you are impressed with all these considerations, and are fully alive to their bearings upon the good repute of the nation and the right relations of this Government to that of Spain. We trust that prompt and efficient action will be taken, such as the case fairly demands, and such as can not be misunderstood by the Spanish authorities at Ponape, Manila, and Madrid, and such as will avert all further danger of interruption to our work.

We desire to learn from you, at an early day, what information you have and what steps you have taken.

I am, etc.

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

NOTE A.—*Results of missionary work by the American Board of Commissioners for foreign missions in the Caroline Islands and adjoining groups.*

More than thirty of the principal islands have been visited, and churches and schools established upon them, and new modes of life and better laws have been adopted by the natives. There are now in these islands, under the care of American missionaries, and wholly as the result of their Christian labors, 50 churches, 5,250 communicants, 6 high schools, 175 pupils, 37 day schools, and 2,600 pupils.

The Bible has been translated into five languages, and many school books have been prepared by our missionaries.

JUDSON SMITH.

[Inclosure.]

PONAPE, *June 13, 1887.*

The American Board of Commissioners for Foreign Missions:

DEAR RESPECTED FRIENDS: I am sorry we are forced to increase your burdens by bearing to you the sad news contained in this letter. You will see from the minutes, under date of June 11, that the mission thought best a letter be written you stating the condition of things here. I have time to write only a little, as the vessel is just ready to sail; but from Mrs. Rand you can learn full particulars. To hear Spain has taken possession of these islands will be to you no news, as doubtless you long since have known this. Yes, Rome is here. No more in love (if any difference more hostile), I can assure you, with Protestantism, than in other lands. On the arrival of the Spanish they centered their forces at Kenan, one of the principal mission stations. They had not been here long when trouble arose in regard to the mission land at Kenan. They soon encroached so much upon the mission premises, Mr. Doane felt called upon to send in a protest, but he did not do this till all explanations, entreaties, and everything that could be said in regard to your rights were utterly disregarded. The protest did not meet the governor's approval, consequently April 13 Mr. Doane was taken prisoner on board the Spanish man-of-war. For three days he remained in confinement and no one was allowed to see or converse with him. At the end of three days the governor visited him and sentenced him for sending in the protest to fifteen days' imprisonment on board the

*See note A accompanying this letter.

vessel. Mr. Doane submitted and said nothing. We all fully expected when Mr. Doane had served his time, fifteen days, he would be at liberty; but as the time expired the governor sent him a letter stating he was to remain a prisoner on further charges, but was careful not to state those charges.

Mr. Doane waited some time thinking the governor would visit him and tell why he was detained on board, this not being the case he sent the governor a letter kindly asking to know the charges for which he was still held a prisoner. The governor answered not at all. Again and again has Mr. Rand inquired with like success. He has been confined all these weeks without the least knowledge except as we guess at it why he is there. Last Friday, June 11th, the governor sent him word he was to be taken to Manila. The vessel sails Wednesday. Mrs. Rand will tell you all about a certain class of foreigners, and all they have said and done, also how Mr. Doane has not had the least chance to defend himself in any way whatever, has not even been told he was going to Manila in time to take care of his personal property; he has to go and leave everything just as it is. And the work—what of it? Never was the island in so good a condition as when the Spanish came; the work never prospered so well as during the last year. Church work, schools, everything was in good order. The wreck that has been made in three months seems impossible.

The public schools with the exception of two, he has closed. The church services at one station are closed and we live in hourly expectation of a notice to close the boarding school. As it is we have to watch the girls day and night to keep them from being stolen and placed in houses where they will learn, to say the least, no good. Ask Mrs. Rand about the case of the minister, Narcissus, whom Mr. Sturges ordained so many years ago; and also about Pol, the king of the Metalanim tribe. She will also tell you about sending mail and expressing our mind in letters.

Now, my dear friends, what shall we do? As a child would turn to go to a parent for instruction and guidance, so turn we to you. That Spain has to these islands the right of discovery, none will dispute; but how about these thirty-four or thirty-five years of labor and expense America has given? During all this time Spain has not even looked at these islands, and now she comes in and finds our natives well civilized. Schools, churches all under headway and must we step aside and see all this come to naught? I do not believe that such is the will of Heaven. Some may say move from Ponape. No, we believe we know the voice that gives us our commission and he never calls defeat. Moreover, they claim all the west, and to forsake Ponape is simply to leave them a splendid land in which to work; their schools and churches gather in the natives from other islands—in fact to resign Ponape is to give up your claim to all the western islands and Kusair.

If it is a fact that we must leave and resign all to Spain, then as soon as possible we want to hear this from you, not from a foreign power; unless forced to leave the work as Mr. Doane has been, we will not give one inch of ground, or slack up one particle in our teaching until we hear from you. Then if you say there is no hope, and that all your claims here for the Lord must be resigned, and we must go, we will, to be sure, obey with perfect confidence in your judgment, for we know you will do all you can to hold your work here and only resign when you feel sure it is useless to continue. Mr. Doane being taken away in this manner is going to make a terrible crash all along the line; still, we who are left will work on with a determination that only persecution in the Lord's work can give. We believe the Father sooner or later will send relief.

If I could only bring before you the scene of yesterday when Mr. Doane's farewell letter was read in church, and Mrs. Rand's departure announced; if you could have seen boys and girls, women and men, those, too, who once were savage war-like men, mingle their heartfelt tears together, and with childlike trust turn to us, and ask if we could not prevent his going and why they were going to take him to Manila; if you could have seen all this, you would feel with us, even more deeply than you now do, that these islands must be held as they have in the past been taken for the King of Heaven. You have as a board rescued these people from heathenism, and must we leave them now?

Oh, if we only had strength to say with Nehemiah, "No, we will not come down till the work is done." But after Wednesday our forces will number only three, the others are in number many. The government in their hands; a strong military force behind; is it any wonder when we realize all this our faith should grow a little dim? Long ere this reaches you Mr. Rand may fill Mr. Doane's place on board the stationary man-of-war; Miss Palmer and myself may be forbidden to teach; so, if it does lie in your power to do anything at all to save the work let it be done as quickly as possible.

Mrs. Rand will tell you about the deeds of all the mission lands; and also, bear in mind this letter is only a mere outline of the condition of things. Poor Mr. Doane, we have no idea what is before him, and all this after he has labored here so many years. May the Lord grant that his being taken to Manila may open a door there *for you, as a Board*, and take that city for the Lord.

But time will permit me to say no more. With an anxiety which none but ourselves can know we await directions from the home land.

May the Lord be very near you to guide in all decisions and have you and us in his very special keeping.

Yours sincerely,

J. E. FLETCHER.

MOUNT HELIEI, JAPAN, *July 26, 1887.*

The following is a copy of a letter received by me a few days since from Mr. Doane, via Manila:

PONAPE, *June 5, 1887.*

"DEAR BROTHER: Sixty-seven, and a prisoner! What do you think of that? The Spanish a few months since came upon us in a perfect cyclone of fury. It seemed at first as if we must all be swept off as by some enormous tidal wave. As being the oldest member of the mission, the largest landmark, it struck me first and landed me a prisoner on board their steamship *Manila*, where I remained more than a month, then was transferred to this vessel, a man-of-war, *Maria de Molina;* here I shall remain I know not how long. I was arrested April 14, the ostensible reason being I wrote a simple protest to the ruler against his taking some lands belonging to the mission. I used the word 'arbitrary,' in no bad sense, however, but it was so taken, and I imprisoned. The penalty was fifteen days. The time was nearly up, when an official note informed me I was to continue in that state. But for what no one knows. I certainly do not. I have committed no crime, broken no law, injured no one, yet I am held a prisoner. There are two explanations of the hostile feeling toward us—the old spirit of Rome, and that other old, old couplet, the missionary and the beach-comber—the gospel and the sin of these islands. Ever since the sailing of the good ship *Duff*, in 1792, or thereabouts, there has been this conflict, and the evils growing out of it are in proportion to the character of the commander reaching any given island and hearing the reports. Slang, false stories of the beach-comber; if he chance to be a good common-sense American or English commander, he will make short work with these silly stories; if, on the other hand, he be influenced by the spirit of Rome, he will only lend a readier ear to all such reports, for it will help wipe out Protestant missions. Here is our difficulty. Under the spirit of Rome, our day schools, all except one, have been closed. Our good brother Narcissus de Santas has been silenced; can no longer preach, attend meetings, help in the prayer meeting or Sunday school; he is allowed simply to hold his faith but not to proclaim it. Houses of ill-fame are springing up all around us; girls stolen from their homes by night. I should say I would not charge the government with the opening of these houses, but the officials do allow all the feminine kind possible to be brought in, and freely given out, or put where they can be freely used for the purposes for which they were brought. Liquor, too, flows freely. Natives and beach-combers can easily get a full supply. Our native preachers, while they have not been forbidden their work, some are purposely so circumstanced that their work is greatly interfered with.

"These are some of the evils which have already struck our work, and with these comes the rapid demoralization of the mass of the people under the new state of things. They neither respect the missionaries' influence nor can their chiefs control them as formerly. A sad day has dawned on Ponape, or rather a dark night envelopes her. We tremble for the future.

"E. D. DOANE."

We have sent a request to the United States minister at Tokio, to get permission, if possible, by cable from Washington, to send a man-of-war from here to look into this case; have also written to the United States consul at Manila, but he is an inefficent man, and it is doubtful if anything is done. Can not you get the Washington authorities to act? Here is a man nearly 70 years old in durance vile in that climate for we know not how long.

Sincerely yours,

J. D. DAVIS.

Minutes of the Ponape Mission.

PONAPE, *June 11, 1887.*

The meeting was held in the girls' home, all members except Mr. Doane being present. After religious exercises the following motions were passed:

Since the missionary work on Ponape is seriously interfered with, and all the work in Micronesia threatened.

Moved: One of our number proceed at once to Boston to confer with the Board and receive directions from them.

The motion was carried.

Voted: That seeing Mr. Doane is in prison, and Mr. Rand can not leave the field, Mrs. Rand, since she is expecting to go on the coming *Star* on account of health, be appointed to proceed to Boston by way of Manila for said conference.

Voted: The secretary be appointed to write to the Board in regard to Mr. Doane's imprisonment and the sad state of affairs on Ponape.

Voted: Mr. Doane be authorized to write to the American consul at Manila concerning his own imprisonment and the missionary work here.

PONAPE, *June 14, 1887.*

Voted: That we approve of Mr. Doane taking to Manila as witnesses Mr. Bowker, Henry Nanapei, and David.

Voted: That the letter to the American Board of Commissioners for Foreign Missions brought before the mission by the secretary be approved and forwarded to Boston.

Moved: That an order on the Morning Star for $225 be given Henry Nanapei to repay him for money loaned Mrs. Rand to defray expenses from Ponape to Hongkong.

The motion was carried.

Yours sincerely,

J. E. FLETCHER,
Secretary.

Mr. Bayard to Mr. Strobel.

No. 218.] DEPARTMENT OF STATE,
Washington, September 5, 1887.

SIR: Referring you to No. 217 of the 2d instant, concerning the case of Rev. Mr. Doane, the American missionary arrested by the authorities of the Philippine Islands, I now transmit additional information contained in a further letter of Mr. Smith of the American Board of Commissioners for Foreign Missions, of which you will make the proper use.

I am, etc.,

T. F. BAYARD.

[Inclosure in No. 218.]

Mr. Smith to Mr. Bayard.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset Street Boston, August 27, 1887.

DEAR SIR: I have this morning received the important information contained in the inclosed copies of letters relating to the case of Rev. E. T. Doane and his imprisonment by the Spanish authorities at Ponape, of the Caroline Islands; and I make haste to send it to you for your use in the correspondence between your Department and the Court at Madrid. I will add brief explanations of these letters.

No. 1 is a copy of portions of a letter written by Mr. Doane, after his imprisonment, addressed to Rev. L. H. Gulick, D. D., of Shanghai, China, the agent of the American Bible Society in China, and for some years an associate of Mr. Doane in missionary work on Ponape. The statements of this letter are very important, as explaining the origin of the trouble and the nature and utter groundlessness of the charges.

No. 2 is the reply of Dr. Gulick to Mr. Doane's letter, and is valuable as showing Dr. Gulick's judgment about the charges, his estimate of Mr. Doane, and the confidence he entertains in the purpose and readiness of our Government to see to it that justice is done to Mr. Doane, and that the stipulations which were made when the sovereignty of the Caroline Islands was in dispute are now respected.

No. 3 is Dr. Gulick's communication to the rear-admiral of the Asiatic Squadron, asking him either to send a gunboat at once to Manila to inquire into the case, or to inquire of the authorities at Washington their pleasure in the case.

I shall look, at an early day, for a communication from Mr. Doane, making full certified statements of the facts in the case from first to last, which I shall immediately place at your disposal.

I do not doubt that our Government will deem it appropriate, indeed incumbent upon them, to take occasion from these events to secure a definite and full understanding with the Government at Madrid as to the standing of the American missionaries now residing in the Caroline Islands and the relations of their work to the Spanish control in those islands. These events connected with Mr. Doane, occurring within a month of the arrival of the governor at Ponape, show the imperative necessity of such an understanding. And there cannot be any difficulty in securing from the Spanish Government all needful recognition of this missionary work and all needful guarantees that it shall be uninterrupted and protected, and the American missionaries respected in the peaceful discharge of their Christian and philanthropic work. The missions of the board in the Turkish Empire enjoy such recognition from the Mohammedan Government at Constantinople. The missions of this board in China receive protection and definite rights from the Imperial Government at Peking. It is not possible that the Christian Government of Spain will fall below the courtesy and toleration of the Mohammedan and the heathen nations of the world. Indeed one of the missions of our board is established within the limits of the Kingdom of Spain itself, and for years has prosecuted its work there. And will Spain now suffer its authority to be used in any way, directly or indirectly, to interfere with that benevolent work of our missionaries in the Caroline Islands, which has yielded only good results and has done more than all things else to make these islands valuable in the eyes of the European powers?

It stands within the power of our Government now to secure ample indemnity for this treatment of Mr. Doane, and to make any similar interference with the work of American missionaries in those islands impossible. The missionaries in Micronesia, American citizens, expect this; the officers and members of this board expect it; the public sentiment of the country expects it and will heartily sustain it; the protestant powers of Europe will expect it and will fully justify it. And the Government at Madrid cannot stand out against such reasonable requests, even if so inclined. I feel a great confidence that the gravity of the situation will be clearly discerned by you, that the wide bearings of the present action will be recognized, and that the course prescribed by national honor, and a steadfast regard to the rights of American citizens, and respect for religious liberty, will be followed steadfastly to a happy conclusion.

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

The most important parts of Rev. E. T. Doane's letter to Rev. L. H. Gulick.

PONAPE, *June 5, 1887.*

DEAR BROTHER: Sixty-seven years of age and in prison. What will my friends think of that? * * *

The first charge against me by the governor was regarding a protest I wrote him protesting against his taking some mission lands. I used the word "arbitrary" not in a bad sense, but simply with the idea of doing the thing alone, not allowing me any opportunity to bring in witnesses. The ruler was offended. I was sorry, for, as I said, it was not meant to offend; but he says he was. I was imprisoned on board the steamship for fifteen days, but just as my term expired I received a note, saying I was to remain on as a prisoner. No charge specific made. And thus I have remained one whole month. * * *

On learning the Spanish were at Yap, letters were sent from a trading house here to the agent at Yap, reporting that the American missionaries were insulting the Spanish flag. * * * Naturally when the Spanish heard this they were indignant as well as surprised. They have since seen it to be the basest of lies. * * *

Another story, freely circulated, was, that we, myself especially, were interfering with trade—telling natives not to trade with certain traders. * * * It is all false. * * *

For years we have been accustomed to hold prayer meetings of a public nature on different parts of the island. Some little time before the advent of the Spanish we had held three. Many high chiefs and kings joined the church. At once the story was started that we were gathering our forces, arming them ready for the

Spanish. Indeed it was circulated that the twelve churches we have on the island, with nearly a thousand members, had all been worked up within the few past months, so that the Catholics should not get a foothold; and yet for thirty-five years have we been working to reach this point. What a falsehood! For weeks and weeks after I was arrested, native chiefs and kings were ordered into the presence of the governor and questioned about these meetings—for what held, what I taught, etc. The uniform answer was, they were simply prayer meetings, to pray for Ponape, that God's kingdom might come.

One put in this complaint against us, that once on a time he had $8 in cash stolen from his house; that a Christian native at that time was near; he was suspected; that I was informed, but was afterward heard to say, "We must not punish church members for stealing." Such a story has its force.

One complained of me, but he said it was about the only thing he had against me, that I refused to baptize his babe.

I am accused, as a matter of course, of living a sort of Mormon life.

Another story was that we missionaries have possessed ourselves of much land, which embittered the governor so that the very first word he ever spoke to me personally was "you are a bad man." And so, evidently, he has ever since regarded me. * * *

P. S.—Since writing the above, some sad things have turned up. On June 16 I was sentenced to be deported to Manila for trial. We are en route for that place now. Left Yap a day or two since, touched there, spent four days. Mrs. Rand and daughter were with me, also a Mr. Bowker, a young man from Illinois, of good character, who goes with me as witness to some things. Some time since the governor professed to open a day for receiving charges for and against myself. The missionaries and friendly foreigners put in two valuable papers. The rowdy element did nothing but drink, then a few days after they got up as early as I can find out, the following charges. I will just give them but not remark upon them:

First. I am charged with putting a girl into irons. Absolutely false.

Second. I am charged with telling natives at Kiti and Metalamin to arm themselves and take the steamship *Manila*—that an American man-of-war would come to our rescue. On its face the falsehood shines out.

Third. I am charged with getting Christian natives to pray the vessel might sink or be wrecked.

Fourth. I am charged with interfering with trade or business of a German house, and that of another foreigner.

Fifth. I am charged with storing in my house guns to pass to the natives to fight the Spanish with.

There are other charges, but they are not worth reporting. These charges the governor has now accepted, notwithstanding the papers the members of the mission and others put in. And for these I am sent to Manila. What will be the upshot I know not. I shall at once see the American consul. Were this matter tried out on Ponape I have not a shadow of a doubt but that every charge could be shown to be most false. But this the governor does not want. He means to get me as far from all witnesses as possible. * * *

Yours, etc.

E. T. D.

Mr. Gulick to Mr. Doane.

JULY 21, 1887.

DEAR MR. DOANE: Your painfully interesting letter written partly on your voyage to Manila, and mailed without date at Manila, is at hand. It is astounding intelligence which you communicate. None who know you as we of old missionary days know you for a moment believe the charges against you, and we will do all we can to assist you in vindicating yourself. I have already to-day sent you by telegram the sum of $300, and I inclose a letter of credit for $700. You can draw on the letter as you may need the money, from time to time.

Do not hesitate to use all this if necessary in getting all the personal comforts, and all the aid available for securing full justice. I advance the money, trusting the American Board of Commissioners for Foreign Missions will reimburse all expenses incurred in your case, as undoubtedly they will.

We all hope that you will be treated by the authorities of Manila with the consideration due to your age, character, and position, and that full justice will be done you, and the mistaken action of the local governor be reversed.

You will, of course, be very careful to have made forthwith as clear and full written statements of your case as possible and sworn to before Mr. Tucker, United States vice-consul, to be forwarded at once to your society and to the Department at Washington. Your case will undoubtedly come before the Governments of Spain and the United States, and it is very important that the case be fully and accurately stated.

It is not only yourself but all your fellow missionaries and your Missionary Society that are involved, which you will of course bear in mind in any proposed settlement of the case, though it is a question whether the matter can now be settled by any but the highest authorities of the two Governments. If there be any difficulty in getting the fullest reversal of unjust judgments against you, by all means refer the case to your Society, and through the vice-consul to the United States Government, who you may be assured will all take the deepest interest in the matter. In any event, be sure and send full reports to Boston, as they will know best what to do.

As you say nothing about your health, I trust it is good, and that you will successfully hold out under this stress. Take all the care of yourself that the authorities will allow and money provide—it will be far the best way in the end. Don't imagine yourself so unimportant as not to warrant such care and expense, and be assured that the whole Christian world will be interested in your case, and will pray that these untoward events may redound to the increase of the Christian cause we all love.

I have advised with General Kennedy, the consul-general of the United States to China, who has read and approved what I have above written, and he bids me to suggest to you to urge Vice-Consul Tucker, representative of the United States at Manila, to take prompt and immediate steps to secure a reversal of the action of the authorities against you. I have also, at his suggestion, written to Admiral Chandler, commander of our Asiatic squadron, that (if he has no power to act independently in the matter) he may communicate with his superiors in Washington regarding your unfortunate situation. I know of no one here to whom I could go for advice, save to our good friend General Kennedy, the consul-general of the United States for China, whose official province does not, however, include the Philippine Islands.

You must plan to come up to Shanghai as soon as possible, and make us a good long visit. It will do us good.

I will write again soon, but meantime be assured of my warmest sympathy. That the Lord may be your reward and your defense, is the earnest prayer of

Yours, affectionately,

L. H. GULICK.

Mr. Gulick to Admiral Chandler.

SHANGHAI, *July 21, 1887.*

Rear-Admiral RALPH CHANDLER,
Commanding Asiatic Squadron, Yokohama, Japan:

SIR: As it is probable that you have not yet been informed of the following facts, I do but my simple duty in putting you in possession of them. It is a case which is destined to tax heavily the attention of the United States and of Spain.

The Rev. E. D. Doane is a missionary of the American Board of Commissioners for Foreign Missions, Boston, Mass.—a society mainly sustained by the Congregational churches of the United States of America, and the oldest foreign missionary society in that country.

For now thirty-five years this Society has carried on missionary work in the Caroline Islands, which has also extended to the Marshall and Gilbert Islands. Whatever Christianity and civilization is now found in those groups is due to the efforts of a number of American missionaries, coöperating with native missionaries from the Sandwich or Hawaiian Islands. Mr. Doane is now the oldest American missionary in all those islands, nearly seventy years of age, having been in missionary work there for thirty years, greatly honored by his Society and the churches with which he is connected, and beloved by multitudes of natives. He has for many years been stationed on Ponape, of Ascension Island, latitude 7° N. and longitude 158° E.

When last year the Spanish took possession of Ponape, in common with the rest of the Caroline Islands, in accordance with the decision of the Pope, as against the claims of Germany, Mr. Doane was a medium of communication between the Spanish authorities and the native chiefs. Mr. Doane was at that time treated with such consideration by the commander of the Spanish vessel of war that it was hoped the relations between the Spanish governor and the Protestant churches would be promotive of the interests of both parties.

During the interval, however, between that visit and the arrival this year of the *Maria de Molina*, there has been a combination of various interests adverse to religion and morality, with special efforts to break Mr. Doane's influence. I have not

yet a very detailed account of the events which have taken place since the arrival of the newly-appointed governor, but it appears that Mr. Doane protested against his taking possession of certain mission lands, and on the 14th of April the governor imprisoned him on board the *Maria de Molina*.

Absurd and frivolous charges were made by the disaffected parties, such as that Mr. Doane had gotten possession of much land, whereas the missionaries own no land at all as individuals; that he had put a girl in irons; that he had advised the natives to arm themselves and take the Spanish steamer; that he had influenced the natives to pray that the Spanish vessel might sink or be wrecked; that he had hauled down the Spanish flag; that he had furnished the natives with munitions of war; and that he had interfered with trade.

Counter statements were made, drawn up both by the missionaries themselves and by certain of the foreign residents, but they did not prove sufficient, and after two months' imprisonment on the *Maria de Molina*, Mr. Doane was sentenced to be deported to Manila for trial. A Mr. Bowker, of Illinois, not a missionary, accompanied Mr. Doane as a witness in his favor—his only witness so far as I know; the vessel touched at Yap and must have arrived at Manila not far from the 8th of July; from there the letter was mailed which has given me the above information. It is evident that Mr. Doane will need all the aid and sustenance that can be given him in his very disadvantageous circumstances of imprisonment, far from friends and from authorities able to see that justice is done him.

When two years ago the question of the possession of the Caroline and Marshall islands was in moot between Spain and Germany, the Secretary of State of the United States Government informed both Germany and Spain that whichever government took those islands the United States would expect that her interest in them, as having been the field of missionary efforts of many years by American missionaries, would be carefully conserved; and it is not to be supposed that the United States will now calmly acquiesce in any injustice to those who look to her for protection.

It is not for me to say what assistance may be rendered him by your Department of authority; but as the Philippine Islands are not in the territory covered by the United States authorities accredited to China, I should evidently be derelict in my duty to the United States Government, no less than to yourself and to my friend Mr. Doane, and to the interests of the missionary society with which he is connected, did I not give you the information which probably I alone possess in all this region, and which I cannot but hope may seem to you to render it advisable that a United States vessel of war be ordered with dispatch to Manila, for the sake at least of getting full information regarding the case.

I do not know how far it may be in your power to take cognizance of this matter, but I feel assured, from what I have heard, that everything pertaining to the honor of our country, and the welfare of her citizens will meet prompt attention on your part, and that, in the event of your not having power to act, you will do our distressed fellow-citizen the great favor of communicating with the authorities in Washington.

I have, etc.,

L. H. GULICK,
Agent American Bible Society to China.

P. S.—I enclose a copy of the more important parts of Rev. E. T. Doane's last letter to me, certified to before Gen. Kennedy, the consul-general of the United States of America.

L. H. GULICK.

Mr. Strobel to Mr. Bayard.

No. 247.] LEGATION OF THE UNITED STATES,
Madrid, September 19, 1887. (Received October 1.)

SIR: I have the honor to report that immediately on the receipt of your No. 217 of the 2d instant, in reference to the general treatment of American missions in the Caroline Islands by the Spanish local authorities, and the arrest and imprisonment of the Rev. E. T. Doane, I addressed a note on the subject to the minister of state, a copy of which is inclosed. I thought it effective to quote *verbatim* the very *full* and explicit assurances of Señor Elduayen communicated to the *legation* in October, 1885, in reference to the future benevolent and

fostering attitude of the Spanish Government toward these very missions.

Señor Moret has been absent from Madrid since the early part of last month. At the first opportunity after his return I shall refer to the matter in conversation with him on the lines laid down in your instructions.

I have, etc.,

EDWARD H. STROBEL,
Chargé d'Affaires ad interim.

[Inclosure in No. 247.]

Mr. Strobel to Señor Moret.

LEGATION OF THE UNITED STATES,
Madrid, September 17, 1887.

EXCELLENCY: On the 22d of September, 1885, under instructions from my Government, I had the honor to address a note to your excellency's distinguished predecessor, Señor Elduayen, giving a statement of the results accomplished in the Caroline Islands by the American Board of Commissioners of Foreign Missions during more than thirty years of labor in behalf of civilization and morality. In view, at that time, of the prospective occupation of those islands by the Spanish Government, the confident hope was expressed that the good work of the citizens of the United States, extending over so long a period, might not only not be disturbed, but be aided and protected.

To this appeal on the part of the United States Government in behalf of the humanizing efforts of its citizens, the reply of Señor Elduayen was all that could be desired. In the note of this legation, dated October 15, 1885, his excellency forecast the attitude of the Spanish Government towards the American missions in the following eloquent and explicit language:

"In respect to the hope expressed in your note that nothing will interfere with the operations of American citizens in the Carolines, but on the contrary their good work may be aided and protected, the Government of His Majesty will hasten to inform the Government of the United States that nothing is so far from its intention as the process of curtailing or embarrassing in the slightest degree the works of morality and instruction to which you refer. The present constitution of the Spanish state authorizes the Government of His Majesty to respect in all the regions of our territory the free religious exercise which the American Government desires, and, at the same time, the Spanish Government sees with the greatest satisfaction the results obtained by American citizens in what concerns civilization in general, and is disposed, in regard to this, to favor and augment as far as possible such results. It is to me a pleasing duty to give this affirmative and satisfactory reply to all the points contained in your note, in order that you may be good enough to transmit it to the Government of the United States."

In the correspondence between the Secretary of State of the United States and the representative of Her Majesty in Washington, in February, March, and May, 1886, further assurances were given that the Government of Spain would guarantee to United States citizens in the Caroline Islands full rights and complete protection.

With this reference to the declarations of the Spanish Government, I will now beg to call attention to the following facts, and to submit them to the consideration of Her Majesty's Government.

Ever since their arrival in Ponape, the Spanish officials have distinguished themselves by their unfriendly attitude towards the American missions. All the schools have been closed but one, one of the missionaries, by name Narcissus de Santas, has been forbidden to preach, service has been suppressed at some of the churches, and lands granted to the missions years ago by the native chiefs have been encroached upon or seized.

This series of hostile acts culminated in the arrest of Mr. E. T. Doane, a venerable missionary of almost 70 years of age, who had devoted the best years of his life to the instruction and enlightenment of the natives of the islands. The ostensible reason for the arrest of this gentleman was a letter addressed by him to the governor, protesting against the seizure of certain land belonging to the missions, in which letter he made use of the word "arbitrary." This protest was not made until entreaty and appeal had failed. The reply made to the protest by the governor was an order for his arrest on April 14 last, and he was taken on board the steamship *Manila*. At the end of three days, during which he had not been permitted to hold communication with his friends, the governor sentenced him to fif-

teen days' imprisonment for writing the protest. After the expiration of the fifteen days he was informed that he would be confined a still longer period, no reason being given for this additional imprisonment. After more than a month's detention on the *Manila* he was removed to the man-of-war *Maria de Molina*, and finally on June 11, about two months after his original arrest, he was ordered to be sent to Manila and was taken to that port, where it is understood that he has at length been released.

By this ungenerous treatment of these missions, followed by the apparently harsh and unjustifiable arrest of an American citizen, the authorities of the island have inflicted a great wrong upon the interests of the peaceable American community—a community whose labors for nearly half a century have tended not to hinder but to promote the welfare of Her Majesty's subjects.

In view of the heretofore unbroken friendship between the Governments, and their treaty relations, and more than all, in view of the unreserved and definite assurances in regard to these very missions to which I have referred, the Government of the United States has received information of these extraordinary measures and events with mingled pain and astonishment, and feels justified in asking that the Government of Her Majesty the Queen Regent will speedily restore these American interests to their former effective and beneficent position, and that due indemnity be made to the citizens of the United States in those islands who have suffered damages in person or loss of property by reason of the unwarrantable proceedings of the local authorities.

While expressing the hope and belief in behalf of the Government of the United States that the Government of Her Majesty only needs to be informed of these unfortunate incidents in order to take action in harmony with previous declarations and the wise and liberal policy which distinguishes it, I avail myself of this occasion to renew to your excellency the assurances of my most distinguished consideration.

EDWARD H. STROBEL.

Mr. Strobel to Mr. Bayard.

No. 250.] LEGATION OF THE UNITED STATES,
Madrid, September 30, 1887. (Received October 15.)

SIR: I had yesterday my first interview with the minister of state since his return to Madrid, and, of course, referred to the treatment of the American missions in the Caroline Islands, about which I had already addressed him a note, as reported in my No. 247 of the 19th instant. I took occasion during the conversation to state, as suggested in the last paragraph of the Department's No. 217 of the 2d instant, that the Government of the United States would be much gratified to hear that such dispositions had been made in respect of the future government of the islands as would, from the high character of the incumbents, preclude the recurrence of similar unfortunate incidents, so fraught with danger to the best interests of both countries.

The minister replied that the conduct of Capt. Pasadillo, the governor of Ponape, had caused him great regret, and that he had originally opposed the appointment of that officer to the post. He expressed himself as much gratified at the release of Mr. Doane by the authorities of Manila, and in reply to my intimation as to the future government of the islands, he said that he would do all in his power to see that it was improved. He hoped in a few days to be able to send an answer to my note of the 19th on the subject, and that I might be sure that he "would do what was right in the matter."

I can only say that the verbal assurances of Señor Moret were as earnest as could be desired.

The last reports published here state that there has been an insurrection of the natives of Ponape on account of the arrest of Mr. Doane, *and that* Pasadillo, the governor, and several others, have been killed.

About this the Government do not as yet seem to have any definite information.

The newspapers here have commented freely upon the arrest of Mr. Doane and the other events in the Carolines connected therewith, and have, almost without exception, supported the missionaries and condemned the conduct of the Spanish officials.

I have, etc.,

EDWARD H. STROBEL,
Chargé d'Affaires ad interim.

Mr. Bayard to Mr. Curry.

No. 231.] DEPARTMENT OF STATE,
Washington, October 29, 1887.

SIR: I transmit for your information, in connection with former correspondence, a copy of a letter from the American Board of Commissioners for Foreign Missions, at Boston in reference to affairs in the Caroline Islands.

As suggested in the letter, instructions have issued looking to the establishment of a consular agency at Ponape, if thought expedient. Our consul at Manila will consider the matter.

I also inclose a copy of a letter from Mr. H. A. Stimson, and of minutes which accompany the same, adopted at the annual meeting of that board on the 4th instant, relative to the arrest of the Rev. Mr. Doane by the authorities at Ponape, and a copy of my reply.

I am, etc.,

T. F. BAYARD.

[Inclosure 1 in No. 231.]

Mr. Smith to Mr. Bayard.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset Street,
Boston, October 15, 1887. (Received October 15.)

DEAR SIR: I have the honor to acknowledge the reception on this day of your favor of the 13th instant. I desire at once to express my very hearty satisfaction in view of the promptness and energy which our Government has taken in regard to affairs in the Caroline Islands. I am also specially grateful to you for the information contained in this communication. Word was received by me on Monday last by cablegram from Japan to the effect that the Ponapeans had killed fifty Spaniards, and also that the ship *Essex* had been sent from Yokohama to Ponape to look after American interests there. I am very glad to receive confirmation of this last fact from your communication. I trust that the report of the number of Spaniards who have been slain by the natives is exaggerated. I am led to expect this the more from the fact that a communication has just met my eye that was published in the Spanish press not long since to the effect that the natives on Ponape rose against the Spanish authorities on the 5th of July last, and, having slain the governor and wounded three of the soldiers, the remainder of the Spanish force took refuge upon the boats in the harbor. As I have intimated in a former letter to you, we are fully assured that our missionaries on Ponape have not only had nothing whatever to do in the way of inciting the natives to this result, but we are fully assured that they have done everything in their power to dissuade the natives from such sanguinary measures. We can only explain the rising of the natives upon the supposition, which is recognized as probable in the Spanish press, and, as I suppose, also at the Spanish court, namely, that religious persecution in some form has goaded the natives to this extreme measure. It is greatly to be regretted that such an outbreak should have occurred; it will make more difficult all measures looking to the settlement of relations in the islands. I am greatly relieved that a United States man-of-war has been sent to the scene; it will have an excellent moral effect in every way, and I trust will prevent bloodshed and violence.

I note the suggestion in your communication bearing upon the difficulty of receiving information from the islands, resulting from the fact that there is no com-

sul or other representative of the United States stationed near the Caroline Islands. Allow me to raise the inquiry whether the events of these past months do not make a call upon our Government to establish a representative at Ponape. The advantages of such an arrangment would be many and important, and I do not think that great expense need be involved in the arrangement. It would seem to me wiser for many reasons that such official representative should not be one of the missionaries employed by our board. Mr. Voigt, the United States consul at Manila, in a communication which met my eye, suggested a Mr. Bowker, now resident on Ponape, a citizen of this country, who would creditably represent the Government there, and who would be acceptable in such position to the Americans—missionary and other—who are resident on that island. Considering the large interests which Americans have in these islands, resulting from the thirty-five years of successful missionary work carried on there, and the remarkable state of advancement to which these labors have brought so many of the inhabitants, it would seem not an extravagant or unreasonable thing for our Government, in view of present dangers and complications, to establish an official representative near the seat of the Spanish Government in these islands. I believe that I have in former letters sufficiently stated to to you the losses and special expenses created by the arbitrary proceedings of the Spanish authorities on Ponape. I am informed in a recent dispatch received from Madrid that the Spanish Government is said to have given pledges that it will fully meet the demand of our Government for indemnity. If this is indeed the case, and if adequate security for the future can also be afforded, we shall feel that justice is done and a great end gained.

You will learn by an official communication sent from the officers of this board, and adopted at the annual meeting of the board at Springfield, Mass., last week, with what sentiments the gentlemen who compose this corporation view the action of Spain in this case, and with what hope and confidence they look to our Government for protection and redress. It gives me great pleasure to add to such an official expression my own personal sense of the energy and wisdom with which the reasonable demands of our Government have been brought to the attention of Spain and the correspondence with reference to settlement carried forward. I shall await further information, which you promised to send me, with very lively interest and confident hope.

I am, etc.,

JUDSON SMITH.

[Inclosure 2 in No. 231.]

Mr. Stimson to the President.

3811 DELMAR AVENUE, ST. LOUIS, MO.,
October 21, 1887. (Received October 24.)

DEAR SIR: The American Board of Commissioners for Foreign Missions, at its annual meeting in Springfield, Mass., October 4–7, 1887, adopted the inclosed minute and instructed me to lay it before you, asking for your kind attention.

I am, etc.,

HENRY A. STIMSON,
Recording Secretary.

The American board has learned with surprise and indignation of the unjust arrest and imprisonment of Mr. Doane in April last, and of the interruption of work in the Micronesian mission which has followed upon the establishment of Spanish authority on Ponape.

It recalls with devout thanksgiving the wonderful results of thirty-five years of Christian work in those islands; the gathering of nearly fifty churches, with 5,300 members—a greater number of communicants than are found in any other mission under its care; the establishment of six high schools for the training of native preachers and teachers, and of forty common schools, with more than 2,800 pupils, and the transformation of the people from naked and warlike savages to orderly, peaceful, and industrious communities. In view of the interference of the local Spanish authorities with all this work, and of the violent treatment of Rev. Edward T. Doane, against all reason and national right, it calls on the Government for the most prompt and energetic action to obtain reparation for wrongs already endured, and especially to secure ample protection for the missionaries and the prosecution of their beneficent work for the future; and it assures to the Government in these measures the indorsement of the nation and of the Christian world.

ELIPHALET W. BLATCHFORD.
Presiding Officer.

[Inclosure 3 in No. 231.]

Mr. Bayard to Mr. Stimson.

DEPARTMENT OF STATE,
Washington, October 26, 1887.

SIR: I have to acknowledge the receipt of your letter of 21st instant, and of the "accompanying minute" adopted at the annual meeting of the American Board of Commissioners for Foreign Missions at Springfield, Mass., on the 4th instant, relative to the arrest of Rev. Mr. Doane, the American citizen and missionary, by the Spanish authorities at Ponape, and to say in reply that the Department has done and is doing everything practicable to secure protection to Mr. Doane and his associates in labor.

I am, etc.

T. F. BAYARD.

Mr. Bayard to Mr. Curry.

No. 233.] DEPARTMENT OF STATE,
Washington, November 4, 1887.

SIR: I have to acknowledge the receipt of Mr. Strobel's No. 250, of 30th September last, reporting an interview with the minister of state touching the arrest of Rev. Mr. Doane, the American missionary at Ponape, Caroline Islands.

Mr. Moret's expressions and declarations have been read with satisfaction as auguring a prompt and equitable disposal of the present cause of complaint and prevention of like complaints in future.

I am, etc.,

T. F. BAYARD.

Mr. Bayard to Mr. Curry.

No. 235.] DEPARTMENT OF STATE,
Washington, November 14, 1887.

SIR: I transmit for your information a copy of a dispatch of 23d September, from Manila, relative to the revolt of the natives at Ponape, Caroline Islands, against the Spanish authorities, on 3d July last. It appears by a letter of the Navy Department that the commander-in-chief of the United States naval force on the Asiatic station dispatched a vessel of his command to those islands about the 7th ultimo.

I am, etc.,

T. F. BAYARD.

[Inclosure in No. 235.]

Mr. Voight to Mr. Porter.

No. 186.] CONSULATE OF THE UNITED STATES,
Manila, September 23, 1887.

SIR: In my No. 182 I had the honor to advise the departure of Rev. E. T. Doane for Ascension Island in a Spanish transport which yesterday reached this on her return trip, with the unexpected news of there having occurred at Ponape, on July 3 last, a general and bloody revolt of the natives against the Spanish, resulting in the complete rout and killing of the latter to the number of perhaps fifty, including the governor who seized and deported Mr. Doane. Women, children, and the capuchins, six, had taken refuge, in time, on a partially dismantled but yet well-armed Spanish receiving ship in yonder harbor. I understand, but can not vouch for it,

Mr. Doane was landed out there among his people, the natives, who regard him as their father; and never would have attempted the fearful insurrection had he been left undisturbed in their midst. That much, I happen to know, is acknowledged here at headquarters, where everything now is bent on taking summary revenge on those islanders through a powerful expedition.

The said returned transport brought up a few prisoners and some ladies besides such of the Spaniards as were able to escape, among them the officer previously stationed and who was to become the acting governor in place of the unbalanced official who finally paid with his life for the madness of his short but singular career. But not a word have I had from friend Doane, who evidently has not been allowed to fulfil his promise of reporting to me by letter. And in this scanty interval and considering the present excitement of everybody here, I have as yet deferred applying to this captain-general with reference to Mr. Doane and the rest of our American missionaries at Ascension; but shall in a day or two take steps to obtain the desired information, which will be duly communicated in my next.

I do not know whether, upon my dispatch No. 177, of July 9, the Department has deemed it expedient to order a naval visit to Ponape; but as there is certain now to be carnage and turmoil until the Spanish in their own fashion have repossessed themselves; and our little band of Christian pioneers in the island may become again sorely pressed, I have to-day addressed a communication to Rear Admiral Ralph Chandler, Japan, embodying the foregoing facts, and soliciting his immediate aid in behalf of our countrymen missionaries who, I feel confident, are anxiously looking for such indispensable assistance.

Thus far written, the Portuguese consul called to apprize me that beside the principal prisoner, a Portuguese, brought up from Ascension, and who is sure to be shot, he heard of there likewise being an American in the lot, lodged in our common jail; and wanted me to take joint action in the matter. Although I lack official notice so far, I shall this afternoon visit the jail, in order to ascertain for myself the truth of that statement; and, if I find it correct, exert myself according to my consular obligations, in his behalf with these authorities.

I have, etc.,

JULIUS G. VOIGT, *Consul.*

Mr. Curry to Mr. Bayard.

No. 280.] LEGATION OF THE UNITED STATES,
Madrid, November 22, 1887. (Received December 5.)

SIR: The interest which attaches to the case of the missionary, Mr. Doane, and the importance of the principles involved, induce me to send, without delay, the inclosed letter from the acting minister of state. With a clear admission of the improper action in the Philippine Islands against Mr. Doane, is coupled a plea for delay on the question of indemnity until a decision has been reached by the local tribunals. The declaration that the property of the mission shall be respected and the work of propagating the gospel may be freely continued, will be received with satisfaction by a government one of whose basal principles is absolute liberty of worship.

I have, etc.,

J. S. M. CURRY.

[Translation.]

MINISTRY OF STATE,
Madrid, November 8, 1887.

DEAR SIR: The minister of ultramar has sent me all the data referring to the incident of the Caroline Islands, which originated your note of 17th September, containing a claim for indemnity in favor of the American missionary, Mr. Doane, for losses suffered in consequence of his imprisonment and voyage to Manila.

From the information received by the Spanish Government it results that on the occurrences which gave rise to the suit instituted against Mr. Doane, no decision has been given, the superior governor of the Philippine Islands having confined himself to replace things in the situation which he believed they should be according

to right before the imprisonment of said gentleman, because he considered that, owing to the antecedents of the question, they had unduly acted against said missionary.

Such being the state of the case, the Government do not believe that it can yet proceed to the examination of the question about indemnity, because if the final decision of the tribunals were averse to Mr. Doane the claim for damages put forward to-day would not be well-grounded; as it would be based upon facts and actions upon which no sentence has been passed.

But if upon this point I have to postpone an answer, I will certainly not do it respecting the assurances given by General Terreros to the United States consul in Manila and to Mr. Doane, assurances which the Spanish Government indorses by affirming again that all property lawfully acquired by the North American mission in the Caroline Islands shall be respected, and likewise affirming that it may freely continue its work of propaganda of the Gospel, with the understanding that on its turn the mission will not only respect the Spanish laws, but that it will oppose no difficulty to the Catholic mission with which the Government wishes it may live in the best harmony.

The Government of the Regency, which wishes to maintain the feelings of cordial friendship with the United States, hopes that the North American Government will help it in that civilizing mission.

I avail myself, etc.,

T. G. AGUERA.

By authority.
The CHARGÉ D'AFFAIRES OF THE UNITED STATES.

Mr. Bayard to Mr. Curry.

No. 238.] DEPARTMENT OF STATE,
Washington, November 25, 1887.

SIR: I transmit for your information, in connection with former correspondence, a copy of a dispatch from Manila, containing references to the recent disturbances at Ponape, Caroline Islands, and copy of a letter of Rev. Mr. Doane, the American missionary there.

I am, etc.,

T. F. BAYARD.

[Inclosure in No. 238.]

Mr. Voigt to Mr. Porter.

No. 190.] CONSULATE OF THE UNITED STATES,
Manila, October 4, 1887.

SIR: Since my last No. 188, of 28th ultimo, I was handed, as coming from the commander of the Spanish transport returned hither, on 22d ultimo, the inclosed letter of Missionary Doane, dated Ponape, 5th ultimo, descriptive of the events that occurred there during his involuntary absence. There were likewise delivered to me seven other letters from Mr. Doane and the other American missionaries remaining on that island, in order that I might forward them to destination, he having no stamps there for franking, etc., which I am complying with to-day. I should say that the authorities here held back Mr. Doane's correspondence for reasons of their own, eight or nine days; as I ought to have received what was anxiously expected that much earlier instead of on the very last day of September.

Nothing further to add in respect of the expedition fitting out at this time. It seems, however, the captain-general is going to exercise due care with regard to our missionaries, there being detailed, I understand, a very gentlemanly official who speaks English, for the purpose presumably of conferring with Mr. Doane and availing of his valuable aid in settling difficulties on the island of Ascension; that is, after the programme of Spanish retribution has been enacted. They have an immense white elephant on their hands in those Carolines; no end of great outlay and extremely problematical advantages for many years ahead.

I have, etc.,

JULIUS G. VOIGT, *Consul.*

[Inclosure in No. 190.]

Mr. Doane to Mr. Voigt.

PONAPE OR ASCENSION ISLAND, *September 5, 1887.*

MY DEAR SIR: You will, I know, want a few lines from me telling of the issue of my return. We had a fine run down, good weather—more than that—most delightful weather all the time. The run to Yap was in good time; from there to Ponape we slowed down, but still did very well.

But alas, alas! reaching Ponape, the sad news was brought to us of the killing of the governor, his doctor, secretary, and others, in all some twenty-five persons, by the natives. It all grew out of the governor's oppressive acts and the conduct of certain foreigners. One is now a prisoner to be taken to Manila—the worst man I ever saw on this island. For years he has been carrying on his wicked work. Another fearfully bad man, a Spaniard, was killed. Skillings, who asked to be appointed United States consul to Ponape, was obliged to flee Ponape to an island 60 miles distant. He kept leading the governor into mischief. Another man, one Kehol, has also fled. A German, who was free, very free, with his bad advice to the governor, has fled. The German Government ought to shut him up. So much for all these bad characters; once so lawless here, now either dead or in prisons, or fugitives. Surely "The mills of God grind slowly, but they grind exceeding fine." For a quarter of a century God had borne with them, but at last his anger has flashed forth as a burning sword.

As to the governor, it was his own doings that brought on him his sad fate. Oppression, severe, continued, degrading to high chief, then finally sending off to a certain place a squad of soldiers twenty in number to bring to him some chiefs who had returned; a Spaniard with them who had long been on the island, an awful wretch, told these chiefs if they did not hasten up the Governor would sew up their mouths, then hang them all. This naturally terrified the chiefs; they were slow to move; the word was given to the soldiers—fire! two natives fell dead, three wounded; the guns once emptied the living natives rushed on the company, and with clubs, stones, etc., killed every one of them; then, frenzied, the natives rushed in, surrounded the governor's residence, which he had fortified; then firing began, the ship in the harbor sending over shells. Finally, early in the morning of the 4th of July, the governor saw the odds were against him; he fled from his fort, running foolishly for the sea, and unknowingly right into the arms of the natives. They chased him, killed him in the water. Here the matter ended. A sad, sad fate to such an oppressor; a sadder fate to his evil counselors; a sad blot on the island; she is bathed in blood.

I am now working hard to get property restored the natives found lying about; for the Spanish soldiers threw away their guns, some in the sea, some in the woods. The natives show a sorry spirit for what has been done, showing a clean record the trouble began with the hot-brain governor also. They are willing to bring in the things taken, and I frankly tell them this is the only thing for them. They are disposed to take my word.

Ponape looks like an island swept by a terrible cyclone, or a better figure is, like an ulcer that has broken and ejected all of its matter, then healed up. Certainly this applies to the beach-comber element that has been swept off out from the island.

Of course the Government with you will be terribly excited, and will at once, to say the least, send here a force to know the whole matter, and reduce to submission all that are refractory. But of these I know of none. May Spain show a kind spirit to her erring children, whom one of her high officials has led into evil.

I have given you the main facts of this affair.

I trust you are enjoying good health. Should you wish to use these facts in any public way, let me ask my name be not used too publicly.

I remain yours,

E. T. DOANE.

P. S.—A large mail is awaiting me with the acting governor, I presume from the States, evidence of your kindness in hastening them along.

Please forward as directed the inclosed letter.

E. T. D.

Mr. Bayard to Mr. Curry.

No. 249.] DEPARTMENT OF STATE,
Washington, December 23, 1887.

SIR: I transmit for your information a copy of a further letter from the secretary of the American board of commissioners for foreign missions, in relation to the case of the Rev. Mr. Doane, and expressing an apprehension that Mr. Doane's safety is yet imperiled.

It is scarcely necessary to say that the Department does not adopt the view presented at the end of the letter, that the Government of the United States should assume the position of requiring the Spanish Government to assure to citizens of the United States engaged in missionary labors in the Spanish dominions the privileges which missionaries, together with other foreigners, enjoy in Turkey and China, under special rules of international law and treaties expressly guarantying extraterritoriality.

Such a doctrine has never been suggested in the case of Spain, which is not classed as a non-Christian country, in which Christian nations have asked for the exemption of their citizens from the local law.

I am, etc.,

T. F. BAYARD.

[Inclosure 1 in 249.]

Mr. Smith to Mr. Bayard.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset street, Boston, December 9, 1887.

DEAR SIR: I have the honor to acknowledge the receipt of your polite favor of the 1st instant, and to express my hearty thanks therefor.

One statement in a letter from one of our missionaries on Ponape, written September 4, 1887, and recently received, seems to require explanation, as it certainly arouses our anxiety. Speaking of the arrival of Rev. Mr. Doane at Ponape, the letter adds these words: "The governor-general of Manila has sent Mr. Doane back without either condemning or acquitting him, so that the affair is not settled yet. He still rests under the charge (a false one) of trying to encourage insurrection and treasonable speeches."

This statement surprises and alarms us. Mr. Voigt's letters have created the impression that the charges against Mr. Doane were all dismissed, and he returned to his former residence without reproach and freed from blame. What is the understanding of our Government upon this point? Is Mr. Doane still regarded as standing under the silly and outrageously unjust charges laid against him by the late governor of Ponape? This disability and most serious injustice ought to be lifted from Mr. Doane at once and by the Government at Madrid, in its most authoritative form. Mr. Doane is evidently exposed to most serious danger on Ponape so long as those charges are allowed to remain against him. I shall be very anxious to learn from you the understanding of our Government, and such information as is in your possession bearing on this point.

Considering the outbreak that has actually taken place on Ponape, caused by Spanish oppression and misrule alone, precipitated by the overt act of the late governor, and most stoutly resisted and deeply deplored by all the American missionaries then on the island—bearing this in mind, it seems plain that Mr. Doane's safety is greatly imperiled by the assumption that he still is unacquitted of the charge of raising insurrection. I am sure that you will fully appreciate the force of this observation and that you will exert yourself to the full limit of the powers of our Government to set this matter right, to free Mr. Doane from these malicious and gratuitous charges, and to deliver him from the peril that seems so near.

The Government of Spain either has already acknowledged the injustice and offense of Mr. Doane's arrest and imprisonment and has promised full and ample indemnity therefor, or it will be firmly and instantly pressed by our Government to this simple act of justice and regard for treaty rights. No unreasonable delay can safely be tolerated. At this juncture, with such interests at stake in the Caroline Islands, interests that pertain first to the personal safety of American citizens there,

and secondly to the invaluable missionary and civilizing work done in those islands these thirty-five years past by those American citizens—at this juncture it is doubly important that Spain should make quick and ample restitution for an acknowledged wrong, and that she should be effectually persuaded to afford to our Christian mission in those islands as adequate protection and assured toleration as the Sublime Porte affords to our work in Turkey or the Imperial Government at Peking to our work in the Chinese Empire.

The energy and efficiency of your exertions in this case hitherto assures us of the promptest action and the most satisfactory results.

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

Mr. Bayard to Mr. Curry.

No. 263.] DEPARTMENT OF STATE,
Washington, January 30, 1888.

SIR: I inclose for your information copy of a letter from the captain of the *Morning Star* to the Rev. Judson Smith, concerning the condition of affairs at Ponape.

I am, etc.,

T. F. BAYARD.

[Inclosure in No. 263.]

Mr. Smith to Mr. Bayard.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset Street,
Boston, January 5, 1888. (Received January 6.)

DEAR SIR: I have the honor to acknowledge your courteous favor of the 23d ultimo, and I desire to express my gratification with its assurances of attention to the various aspects of the Caroline Islands question.

The captain of our missionary ship, the *Morning Star*, which is our regular means of communication with those islands and with our missionaries resident there, has written a full account of what he saw and learned at Ponape, and sent the same to me by a trading vessel bound to San Francisco. As this proves to be a very clear and compact narrative, I have thought it well to send a copy for your perusal. Some phases of the situation on Ponape, both before and after the insurrection, are brought out more distinctly here than in any other account which has come to my hands.

By way of explanation I will add that the course pursued by the *Morning Star*, as here referred to, was from Honolulu, Hawaiian Islands, the port of departure, direct to Ruk or Hogolu, the central group in the Caroline Islands, where two missionary families reside, Messrs. Logan and Treibu and their wives. From Ruk the *Star* sailed eastward some 500 miles to Ponape and landed mail and supplies for the missionaries and left one additional missionary, Miss Lucy L. Ingersoll, M. D. From Ponape the *Star* went on eastward about 300 miles to Kusaie, where two missionary families, Messrs. Pease and Walkup and their wives, and two single ladies, missionaries, Misses Smith and Crosby, reside. Here also mail and supplies were landed. The *Star* then set out for a missionary tour among the Marshall Islands and the Gilbert Islands, and my letter from the captain was left at Jaluit, one of the former group.

If you have any later tidings from Ponape, by way of Manila, it would be very welcome here, and especially so to the friends of our missionaries on that island. I have taken the liberty to prefer a similar request to Mr. Voigt, United States consul at Manila; but his first duty would of course be to your Department, and he might not feel at liberty to let me know all that has come to his knowledge. I owe very much to his politeness hitherto, and our missionary friends are under very special obligations to him for his efficiency and kindness in Mr. Doane's affairs, and in other ways.

Since my last favor to you I have added to my other duties the official correspondence with our missions in the Turkish Empire. I wish now to speak a word of the present situation at Constantinople. * * *

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

[Inclosure.]

Mr. Garland to Mr. Smith.

AT SEA, *August 30, 1887.*

DEAR SIR: We are now nearing Jaluit, in the Marshall Islands, on our way to the Gilbert group.

Before this reaches you I presume you will have heard something about affairs in Ponape.

Upon arriving at Ponape we were much surprised to find the island in a very unsettled state. It seems the Spanish came there in March, and soon after, not being able to get along well with the natives, several fights occurred, which resulted in the killing of about forty Spanish and eight or ten Ponapeans. All who remained of the Spanish at the date of the *Star's* leaving Ponape, August 18, were imprisoned in the store-ship *Donna Maria de Molina*, and had been there since July 2.

Below is an account of the affair as near as I could get it from Mr. Rand and others. Many little items are mentioned as leading up to the climax, which happened on the morning of July 4.

First I will give a proclamation issued by the governor. You will get the meaning, but perhaps not the true translation. It is not dated.

"His Lordship Don Ysidro Ponsadilla, captain of frigate and governor of eastern region of Carolines and Pelews, does make known that the Government of His Majesty Don Alphonso XIII, and in his name, Donna Maria Christina, Regent of the Kingdom, has designated him to represent Spain in this country, to promote the happiness and well-being of the natives, and to administer justice equitably.

"No one will be troubled on account of his religious belief. It is designed to increase trade, agriculture, and industries, that the comforts of civilization at present initiated may continue and increase."

That is very short and very sweet. The story begins March 14, 1887, when the Spanish steam transport *Manila* arrived in Jamestown Harbor, Ponape, with a Spanish governor, lieutenant-governor, a bishop, and seven priests, officers, and garrison—in all about seventy-five persons.

The first of the mission to call on them was Mr. Rand. He went on board the 14th and was introduced to the governor as the "school-teacher." The governor's first inquiry was for Mr. Doane, at the same time asking if he lived in his house on the hill from the ship, remarking, "If he don't, I shall."

When landing the first time the governor said of the house, "It is a good one; we will occupy it." He then tried to rent a house of a native who lived in it and wanted it for himself. He finally got it by threatening to take it without rent. This house was on the mission grounds. March 16 they began to land on Mijinong, a part of the mission premises deeded to Mr. Doane and his successors for the Christians. Kenan is a part of Mijinong, and (according to Mr. Rand) was deeded to the American Board of Commissioners for Foreign Missions in 1870.

I believe Mr. Doane had given the governor leave to land on Mijinong, but don't know why.

A boundary was drawn at or near the limit of Kenan. Afterward they had no regard for boundary, but cut trees and built roads wherever they liked.

In a few days the governor and priests went on shore to live, stopping in temporary houses.

Whatever was on the land in the vicinity they took for their own use without saying a word to anyone—taking native houses, digging their yams, shooting chickens, taking Mr. Doane's limes, etc. They also tore down a native house near the mission to get the lumber for their own use. A Capt. Jumpfer, who came from Manila on the transport as a passenger, was told by the governor that the missionaries owned nothing on Ponape—that the land all belonged to Spain.

At the time of their landing Mr. Doane was at Kenan building a new church.

About three weeks after they landed Mr. Doane sent to the governor these questions:

Will the missionaries be allowed to translate the Bible into the Ponape language? Will schools be allowed to be carried on in Ponape? Will Protestants be allowed to preach? Will the Government protect women and girls and prevent their being carried into brothels against their will? And similar others. The answer to every question was "yes," verbally; for he said he had no time to write it out. At this time Mr. Doane had a long talk with the governor. The governor began by saying he was no Jesuit, but came to civilize the natives, not to make Catholics of them, nor to trouble the missionaries. This conversation caused Mr. Doane to think the mission work would not be interfered with.

Soon after this the governor tried to induce Leban Nut, the chief who once owned the land, to swear he never deeded the land to Mr. Doane. He succeeded. Several of the old witnesses also declared the same. Then the governor wanted

Leban Nut to sell him the land including Kenan. Before this a white man had been influencing Leban Nut against Mr. Doane, also telling him that the Spanish would make him a great chief.

Upon hearing what the governor was doing, Mr. Doane got a paper signed by chiefs and others who knew about the land, saying it was deeded to Mr. Doane by Leban Nut, and showed it to the governor. He had already seen the Mijinong deed and pronounced it illegal. One reason was, the marks of the chiefs were not upon it; only their names, they having touched the pen while their names were being written. Mr. Doane thought this sufficient. In a proclamation the governor had said all deeds must be shown and proved within six months. Soon after several deeds were carried in by foreigners and others, but the governor didn't look at them, saying he had no time. All mission deeds were offered, but he did not examine them.

The principal interpreter was one Manuel, a man brought from Kusaie on the *Star* in 1883—he had been wrecked there several months before the loss of the *Star*. He was very bitter against the missionaries, and Mr. Doane in particular, he having prevented his getting a piece of land at Oua, upon which to open a liquor shop.

Also some of the white men, traders, etc., began to pour into the governor's ears tales about the missionaries, Mr. Doane getting a good share. They raked up old affairs of long ago. One accused Mr. Doane of tabooing the natives from selling him cocoanuts, and intends to sue the board for $5,000 damages.

April 11 Mr. Doane sent a protest to the governor against his buying land already the property of the mission and of which he held the deed. April 13, about noon, a squad of soldiers came and arrested Mr. Doane and placed him on board the *Manila*, with orders from the governor that he was not to communicate with friends without his permission. Mr. Rand called next day to see him, but could get no permit; neither would the governor tell him what the arrest was for, except that he was under the law. At the time of Mr. Doane's arrest the natives asked Mr. Rand if they could go and take him out of the ship. Mr. Rand then went over to Kenan, where the natives were gathered, and held a long talk with them. Many had guns with them and would have made an attempt to take Mr. Doane, if Mr. Rand would only say the word. He put them off by telling them it would be worse in the end for all; so they went home, and so did Mr. Rand. Next day he sent inquiry for Mr. Doane; reply came back, "He is well." Kenan is about 12 miles from Oua.

April 16 the governor went on board and, showing Mr. Doane his letter (protest), asked if it was his writing; he answered yes, then, pointing his finger, the governor said, for that sentence I sentence you to fifteen days on this ship exclusive of the three days he had already been a prisoner. The sentence referred to is "I further protest against the arbitrary manner in which you have dealt." The word arbitrary seemed to be the stumbling block.

After his sentence he was allowed to see all who called. He was allowed 43 cents per day to live on, but must do his own buying through a servant. The governor then handed him $3 for one week; he passed it back, saying he could buy his own food, but had to give the governor a receipt for that amount. The commander of the vessel took Mr. Doane to his table and was very kind to him.

During his imprisonment the governor was continually asking foreigners about him, trying to find something against him.

About April 29 Narcissus, one of the teachers, was sent for. He is a Manila man, and can talk Spanish. He was questioned all about Mr. Doane's affairs and doings on the island, and was asked what Mr. Doane had the chiefs and natives at Kiti for, just before the Spanish came, also, if he had not sent to the States for a man-of-war, threatening to flog him if he didn't tell all that was done at the meeting. Narcissus said, and stuck to it, that nothing was said about the Spanish or political affairs, but that it was purely a religious meeting. The governor next asked about the lands. Narcissus said the land was given by the natives to God, and for the missionaries to use for God. The governor then told him that the natives could not do that, for the land always belonged to Spain. He then forbid Narcissus preaching on Ponape and gave him five days in which to think the matter over. Then, if he would give up preaching and come over to the Catholics, all would be well; if not he would be flogged, put in irons, sent to Manila and be placed in a dungeon. For five days he was not allowed to preach or see Mr. Doane, and on Sunday soldiers went to the church to see if he was there.

The priests were with him much of the five days, and succeeded in bringing him over except in one thing—he said he would never cease praying to Christ and they told him he might keep on. He was at once set to work taking the census. He had been baptized a Catholic in Manila and they claimed him on the strength of that. They told him he belonged to them and so they could do as they pleased with him, but as Mr. Doane was an American they could not flog him. Two days before Mr. Doane's time was up, the governor wrote him he was to remain longer on new

charges, not saying what. Mr. Rand then went to the governor, but could get nothing out of him except that the charges were of a new character and that he was getting in evidence against him. Foreigners were now getting up a paper against Mr. Doane to pass in to the governor. Some were down on him for preventing some of their deviltries, and some raked up old grievances, all trying to get the good will of the Spanish. Three papers were then started for Mr. Doane, one signed by the mission, one by loyal foreigners, and one by chiefs. Two of these were carried in to the governor by Mr. Bowker. The governor said, tell Mr. Rand I have read them; I understand them and will file them officially. During all this time they were trying to get the natives over to their side, giving them liquor, tobacco, etc. They succeeded in driving many from their religion, but did not get them to join their party. Sunday was a day of cock fights on shore.

The governor had made the first and second chiefs of each tribe "little governors," with power to punish "little offenses." Accordingly the king of the Metalenim tribe, which includes Oua mission, put four persons in irons for adultery, which is one of the "little offenses." The governor sent and ordered him to release them. He refused, thinking the messenger was drunk and lying. Officers were then sent, who took them out. This was May 15 or 16.

The same day the king was told he must send thirty men to work for government, and each tribe was to send thirty men each week, and to supply their own food and have no pay, this order of things to go on as long as the governor wished. Some had to bring their food 20 miles. No one was exempt except the two "little governors" in each tribe. The work was building houses and making roads.

The king was then called before the governor, who threatened to take away his title and flog him, and if he ever disobeyed again he would put a ball and chain on him, and set him to work on the road. Ponape chiefs are high-toned, in some respects, and this sort of thing didn't suit them. These things are mentioned as leading up to the climax. At the same time the king was asked whose were the schools at Oua, and when told they were in charge of Messrs. Doane and Rand, he said, you must stop the day school, and it was done. He also said, we have brought you teachers and preachers. They are the ones you are to listen to. We want no ~~American teaching~~ here. About this time (May 16) the governor sent a letter to Mr. Doane, saying, I have adjudged all the land Mijinong back to Leban Nut, except the church and dwelling. This, of course, included Kenan.

May 31 the Spanish ship *Donna Maria de Molina* arrived in Ponape with supplies, and to remain as a store ship, and on June 2 Mr. Doane was transferred to her. Here he was well treated and had the freedom of the ship. On the 15th he was transferred back to the *Manila*, and sailed the 16th for Manila. Mrs. Rand sailed for home on the same vessel, the mission thinking it necessary that some one should see the board about these matters.

The day the *Manila* sailed Manuel, the interpreter, told the Kenan Christians that if they tried to hold services the next Sunday the Spanish would break it up, and threats of like nature were continually coming in. The meeting was not broken up. Mr. Rand was there. The governor also came in for a short time, he said, to make a sketch.

Before sailing Mr. Doane had written a farewell letter to several of the churches; foreigners told the governor, and he at once sent and got it and had it translated into Spanish. Towards the last of June natives were told to hold no more feasts, not to tattoo their bodies, to kill all their dogs, etc. Then another message came, ordering all the chiefs to come to him July 1 to have their titles taken away, and from that day the law about feasts, etc., was to be enforced. Their rifles, guns, and pistols had already been taken from them about May 1, also a few old rusty cannon, and now another search was made all over the island for any guns which might yet remain among them. As will be seen later, the natives succeeded in hiding quite a lot of them. The chiefs and men worked up to July 1; on that day they stayed away.

It seems foreigners reported the natives were to hold a council of war, and the interpreter told them they were to be punished by having their mouths sewed up, and be hung. So they gathered together the night of June 30 to see if it was so. This was with the Jakoits tribe near Kenan. The Kiti and Metalanim chiefs took their men home that night, fearing an outbreak. July 1, near noon, the governor sent Manuel to Jakoits to tell the chiefs to come to him, to consult about work, pay, etc.; they, thinking they were to be punished, refused to go. Then a second message was sent, a sergeant going, too.

The Jakoits chief was ready to go, but others prevented him. The sergeant returned without them. Then the second lieutenant, the sergeant, twenty soldiers, and Manuel were sent over. Before this, Manuel had told the governor that the Ponapeans were cowards, and if he would kill a few of them the others would then obey. Upon reaching Jakoits, the soldiers formed at both ends of the feast house, where the chiefs and men were gathered, some inside, some outside. They had no

arms in sight. Without saying a word to them, the order was given to fire, which was done by the soldiers, and five natives fell, one dead, one died soon after, and three others were wounded.

The natives then made a rush for what few knives and guns they had and fought the soldiers, killing fifteen or sixteen, including the officers and Manuel. Manuel, after being shot, begged them to spare him, saying he was their friend. Yes, said they, and now we will reward you, which they did by cutting off his head. The fight lasted but a few minutes. Saturday, July 2, the natives gathered on and near the mission grounds and found the Spanish all in the fort. A skirmish occurred, in which five Spanish were killed, and a large boat from the store ship captured by them. This day the natives fought mostly from behind trees and a lumber pile.

Sunday, July 3, the natives held their meeting as usual. While the bell was ringing the governor sent from the fort to Edward, the teacher, saying he was ready to stop fighting and wanted to be friendly—that the natives were in the right, for God had helped them and not the Spanish. Edward went to the fort and held quite a talk with him, then went back and conducted the meeting. The governor's secretary went, too, and staid through the services. During service a boat took a load of boxes on board. After service the boat took another load, including the priests. When a short distance from the shore, a native, who thought the governor was trying to escape, fired on the boat. Then the fort opened on the natives. They returned the fire, which was kept up till 2 a. m. July 4. The *Molina* also dropped several shells among them. At 2 a. m. those in the fort made a rush for the water, trying to get on board the ship, and were all killed. The governor, his secretary, second lieutenant, and doctor were killed in the water up to their waists. Before the rush several soldiers left the fort. Some of these escaped and are now living on good terms with the natives. The soldiers were Manila men, the officers Spanish. It is supposed about forty Spanish were killed and not over ten natives.

July 5 Edward came to Oua from Kenan, and reported the natives resting, and that they would take the ship the night of the 5th or 6th, but they wanted the captain to send away the women and children. Mr. Rand sent Edward back to try to stop the natives, intending to go over himself the 6th. The natives didn't want Mr. Rand to go on board the ship, fearing the captain would keep him and so prevent their firing on the ship. Mr. Rand could not go the 6th, but sent a Mr. Oldham instead. The captain of the *Molina* said he did not know what the fighting was for, and wished to stop. Oldham then went to the chiefs, and they agreed to let the ship alone if the Spaniards would let them alone, and signed a paper to that effect drawn up by Oldham.

After the fight the natives destroyed the town, carrying away whatever was of value to them. July 8 Mr. Rand went to Kenan. The chiefs wanted him to ask the captain to take all hands out of the ship and let them burn it, saying they would stick to their word and kill no one. He told them it would be worse for them in the end, and so they gave it up. They then wanted the captain to see the captain of the next Spanish vessel that arrived, and ask for a council before any more firing was done, that they might show that the Spanish began the troubles. He said he would and that a council would be held.

Interfering in their tribal laws had much to do in bringing on the war.

When talking with Mr. Rand, they said, What is the use in living under such men; we were the same as slaves. They would rather die fighting than to live in such a state of affairs, and declare that if the Spanish fire on them again they will fight till the last Ponapean is killed; and Mr. Rand says they mean it.

Thus far the fighting was done by the Jakoits and Nut tribes; but the others were in a heat to get there, and were only held back by the old king at Oua and Mr. Rand.

When the fighting began, the white men who had been so bitter against the missionaries found they had business somewhere else. Several of them put to sea in boats July 2 and have not since been seen. If Ponapeans could have their way, the island would soon be anything but a "paradise for beach combers." They see now very plainly who their friends are.

August 16 I went to Kenan and on board the *Molina* with Mr. Rand. We are the first who have been on board since July 3, and no one from the ship has been on shore. They are prisoners. The ship is housed in and covered with galvanized iron and everything ready to repel boarders. We were on board an hour. The captain had said to Mr. Rand that when the *Star* came he wanted to see the captain, and the first question he asked was if he could charter the *Star* to go to Manila.

The *Molina* had been dismantled and her sails and rigging sent to Manila; therefore she could not go. On shore at Kenan things looked desolate. Mr. Doane's house was several times struck with bullets. Roads had been cut through the mission's premises in several directions. No flag was allowed on Ponape except the Spanish. Mr. Rand could not even fly the American flag over his own house.

The natives ask why can not America take the island?

Work still goes on on the new church at Kenan. They are very careful not to get

anything Spanish worked into it. Three day schools were stopped by the governor, but so far the training schools are not troubled. The second governor told Narcissus that the schools in Kusaie were to be disbanded, for they could not have foreign schools on their land. He asked many questions about them, who they belonged to, etc.

The commander of the *Manila* says when he returns in September she will bring priests for Yap, Oullai, Pelews, and Kusaie.

Mr. Rand has all he can attend to at present. The natives come to him for advice and ply him with all sorts of questions about the future. At the mission they are in great anxiety as to what will happen when the Spanish return from Manila. It is certain that if they begin by killing natives all Ponape will rise and fight.

The Ponapeans are now well armed. With us everything is going on well; but we have had a continuous calm since August 1. Missionaries are all well so far.

In haste,

G. F. GARLAND.

Mr. Bayard to Mr. Curry.

No. 267.] DEPARTMENT OF STATE,
Washington, February 11, 1888.

SIR: I inclose for your information copy of a letter from the Rev. Judson Smith, concerning the relations between the Spanish authorities and the missionaries at Ponape in the Caroline Islands.

I am, etc.,

T. F. BAYARD.

[Enclosure in No. 267.]

Mr. Smith to Mr. Bayard.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset Street, Boston, February 3, 1888.

DEAR SIR: * * * The communication from Commander Jewell is a very clear and succinct account of affairs, and while not containing much that is new to us, is a very welcome document. I regret to observe the hazard which Mr. Doane is incurring by the terms which he imposes in parting with some portion of the mission premises to the Spanish governor. Mr. Doane is acting in this matter upon his own counsel, and quite contrary to the judgment which would be expressed from these rooms, if we could reach him. It is much wiser for him and us to leave to our own Government at Washington the entire matter of requesting and securing from the Spanish Government the indemnity for injury to American interests in affairs in the Caroline Islands. I can but think that Mr. Doane and Mr. Rand, upon further reflection, will be very cautious how they imperil in any degree the present cordial and most satisfactory relations subsisting between the Spanish Government and the American mission there. We rejoice in the happy result which has been reached without bloodshed, and which we trust will abide as a fixed settlement for many years to come. Although it did not stand within the power of Commander Jewell to render any direct service in the final settlement, we can not doubt that the presence of the *Essex*, representing the authority of our Government at Ponape, will be of material service in many points of view both to our missionaries and in the relations between the Spaniards and the natives there.

Again assuring you of the value which we place upon the services of our Government in this important matter, as well as those important matters connected with missionary interests at Constantinople,

I remain, etc.,

JUDSON SMITH.

Mr. Bayard to Mr. Strobel.

No. 324.] DEPARTMENT OF STATE,
Washington, September 20, 1888.

SIR: Referring to Mr. Curry's No. 280, of the 22d November last, relating to the imprisonment of the Rev. E. T. Doane at Ponape, in the Caroline Islands, I inclose a copy of a letter recently received from the Rev. Judson Smith and of the Department's reply thereto.

You will call the attention of the Spanish Government to the matter in the sense of the Department's letter to Mr. Smith.

I am, etc.,

T. F. BAYARD.

[Inclosure 1 in No. 324.]

Mr. Smith to Mr. Bayard.

AMERICAN BOARD OF COMMISSIONERS OF FOREIGN MISSIONS,
Congregational House, 1 Somerset Street, Boston, September 7, 1888.

DEAR SIR: It has been in my mind for sometime to write to you to ascertain what action, if any, has been taken by the Spanish Government in response to the claim presented by our Government for redress and damages incurred in the unjust arrest and deportation and imprisonment of Rev. E. T. Doane, the American missionary resident on Ponape in the Micronesian Islands, about whose case I have had occasion somewhat frequently to communicate with you. Happily, after the first serious mistakes, the Spanish authorities have taken a right view of the matter, and Mr. Doane has been restored to his residence and work, and matters on Ponape at present seem to be in a peaceful and satisfactory condition. But the indignity to Mr. Doane and to American interests in those islands has not received, so far as we have learned, the proper consideration and reparation at the hands of the Spanish Government. This is a matter of so much importance with reference to the future right relations between the Spanish authorities and the American missionaries resident in the Caroline Islands, that it seems to call for the most immediate and vigorous action on the part of our Government. As I understand, a definite demand for reparation has been made. It may be that there has been received also the assurance that such reparation will be made. If so, the matter will doubtless require no further attention. I write to inquire whether our Government is advised that the Spanish Government recognizes the propriety of the demand and is prepared to meet it in a proper way. Mr. Doane was personally subjected to serious indignities and to actual expenses of no inconsiderable amount. Our board has been put to very considerable expense also by reason of this violent and unjustifiable action of Spanish authorities toward Mr. Doane. American interests in the person of Mr. Doane and the work with which he is connected, have received a serious injury. On all these accounts there is the most sufficient reason for ample and prompt reparation by the Spanish Government.

It does not become me to suggest the amount of damage which should be recognized in the adjustment of the matter between our Government and Spain. I am disposed to suggest, however, the amount ought to be such as suitably to mark the extent of the injury received and thoroughly to impress upon all who shall have responsibility in the administration of the Spanish Government in these islands the duty of fully respecting the rights of American citizens and their work in these islands.

In a recent letter from Mr. Doane the information is given that the Spanish governor has appropriated a plat of ground owned by Mr. Doane and occupied by him as his residence, for which no compensation has as yet been made. I think the governor has promised that compensation should be made, but this promise has not yet been fulfilled. I think it does not require argument on my part to show the great importance of dealing energetically and promptly with this first instance of misdoing, both as a mere matter of justice and especially as a means of security for the future. The promptness and efficiency with which our representations in regard to this matter have in former times been received by the Department of State, encourage us to expect that this matter, which is in some respects the most important phase of the whole, will in like manner promptly be taken up and energetically carried through.

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

[Inclosure 2 in No. 324.]

Mr. Adee to Mr. Smith.

DEPARTMENT OF STATE,
Washington, September 20, 1888.

SIR: I have to acknowledge the receipt of your letter of the 1st instant, in which you discuss the subject of pecuniary redress to be accorded by Spain in the case of the Rev. E. T. Doane, who was wrongfully arrested and imprisoned in the Caroline Islands.

As you state, the representations of this Government to that of Spain, in the case referred to, resulted in the admission by Spain of the wrongfulness of the action of her authorities in those islands, and in the restoration of Mr. Doane to his residence and work. At the same time, however, the Spanish Government requested delay in the matter of indemnity, pending the action of the colonial authorities, and their execution of their design of restoring the property of which the mission had been deprived.

A copy of your letter will be sent to the legation in Madrid, with instructions to inquire of the Spanish Government whether the proceedings of the colonial authorities have not progressed far enough to permit the subject of indemnification to be taken up and disposed of.

As to the amount that could properly be claimed, the Department is not yet furnished with data specific enough to enable it to determine that question definitely.

I am, etc.,

ALVEY A. ADEE,
Second Assistant Secretary.

Mr. Strobel to Mr. Bayard.

No. 356.] LEGATION OF THE UNITED STATES,
Madrid, October 4, 1888. (Received October 20.)

SIR: I have the honor to report that I have on this date recalled the attention of the minister of state to the subject of an indemnity to Mr. Doane, the American missionary, in the sense indicated in the Department's No. 324, of the 20th ultimo.

I have, etc.,

EDWARD H. STROBEL.
Chargé d'Affaires ad interim.

Mr. Rives to Mr. Strobel.

No. 326.] DEPARTMENT OF STATE,
Washington, October 10, 1888.

SIR: I inclose a copy of a portion of a letter recently received from the Rev. Judson Smith relative to the amount of indemnity due the Rev. Mr. Doane for injuries inflicted on him by the Spanish authorities at Ponape.

You are instructed to press for compensation for proven losses and expenses and to suggest the pleasure with which this Government would view the tender to Mr. Doane of reparation proportionate to the personal grievances to which he has been subjected.

I am, etc.,

G. L. RIVES,
Acting Secretary.

[Inclosure in No. 326.]

Mr. Smith to Mr. Bayard.

[Extract.]

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS.
Congregational House, 1 Somerset street, Boston, September 24, 1888.

SIR: I have the honor to acknowledge the reception of your favor of the 20th instant in response to my inquiry about the purpose of the Spanish Government in respect to a proposed indemnity for the expenses and losses incurred in the affairs of Mr. Doane in Micronesia. I am pleased to note that this matter is distinctly involved in the correspondence between our Government and Spain, and that the attention of the Spanish Government has been called afresh to the subject.

One inquiry is contained in your reponse to which I make brief answer, namely, the amount that may properly be claimed from the Spanish Government. The direct outlay of money by our board to meet expenses connected with Mr. Doane's arrest is not far from $1,000. The land occupied by the governor's residence on Ponape formerly in possession of the American board is valued by Mr. Doane at $2,000. For this no compensation has been made so far as our information goes. Thus there is an equitable claim for at least $3,000. Beyond this it seems to me that something is due in view of the interruption of all our work on the island as well as the indignity to our Goverment involved in the arbitrary treatment to which Mr. Doane was subjected. It is not for me to attempt to fix a money equivalent for these things. We are quite content to leave it for our Government to place its own estimate upon these matters. If I should not be thought presuming I would suggest that a claim for at least $5,000 should be presented to the Spanish Government. Should this amount seem to you too small of course you will act according to your own judgment in the case. We shall be content with any arrangement that satisfies the claims above named, and that beyond this goes far enough to give the reqnisite security for the future peace of the Islands. * * *

I am, etc., your obedient servant,

JUDSON SMITH.

Mr. Bayard to Mr. Belmont.

No. 6.] DEPARTMENT OF STATE,
Washington, December 20, 1888.

SIR: I transmit herewith a copy of a letter from the secretary of the American board of commissioners for foreign missions, relative to the apparent withholding of the instruments of conveyance, under which the American citizen and missionary, Mr. Doane, holds certain lands at Ponape, by the Spanish governor there.

You are instructed on behalf of the American board for whose use Mr. Doane holds these lands, to make immediate and earnest representations at the foreign office, against the action of the local authorities in retaining these important muniments of title, to the end that they may be restored. In making these representations it would be well to consult the previous correspondence relating to the Caroline Islands, including that published in Foreign Relations for 1886.

I am, etc.,

T. F. BAYARD.

[Inclosure in No. 6.]

Mr. Smith to Mr. Bayard.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset street, Boston, December 10, 1888.

DEAR SIR: A letter just received from Mr. Doane, our missionary in Micronesia, conveys information not before so explicitly stated which I hasten to communicate to you. It appears from this letter that Mr. Doane several months ago was called

upon by the Spanish governor residing at Ponape to bring to him the deeds which he held of mission lands in different parts of the island. These deeds were very simple documents, stating that the native chief, to whom the land in question in each case belonged, for the sake of the gospel and for his love to the missionaries who were laboring for the welfare of his people, gave to the missionary for religious purposes, the land occupied by the church, the schoolhouse, or the missionary residences as the case might be; that this land was to be held by this missionary in the name of the American board. These deeds bear the chief's signature, either made by himself, or when he was not able to write, with his mark added by his own hand and his name written by the missionary. Of course these documents were by no means such papers as are in use in more civilized countries for such purposes, but they were as complete and satisfactory as it was possible to secure under the circumstances. Certainly they had all validity that any transfer of the lands in these islands by the native chiefs could have. The Spanish authorities now in the islands can not secure a better title to such lands as they may desire to possess. These deeds, as I have intimated above, the Spanish governor has asked Mr. Doane to submit to him for inspection, and has promised that they should be sent to Manila in the Philippine Islands where the governor-general, who is the superior of the governor at Ponape, would examine them and give them his approval and return them. Several months have passed by and communication with Manila has been had on two or three different occasions and still the deeds remain in the hands of the governor at Ponape. Mr. Doane apprehends that he has not yet forwarded them to Manila and naturally he feels no small anxiety about the matter. He has reason to apprehend that it may be the policy of the governor to retain these deeds permanently and to ignore any rights of property which they were intended to convey. As there is abundant territory on the island not in use for our missionary purposes to meet all the possible necessities of the Spanish Government and which the native chiefs would readily give to the Spanish Government for any uses that they might desire, there would seem to be no motive for the retention of these deeds by the governor but either to annoy Mr. Doane and our other missionaries, or to invalidate their claim to the missionary premises now used and so weaken their hold upon the island and its people. The matter is in such form that it seems but suitable that our Government should be informed of the situation and the offices of our Government be invoked to secure a proper respect by the Spanish authorities to all the rightful possessions of American citizens in Ponape and the other Caroline Islands.

If I mistake not representations were made by our Government when the opposing claims of Germany and of Spain to the Caroline Islands were in dispute to the effect that all the rights of American citizens in those islands must be respected by either party to which the possession of the islands should be adjudged. It would seem, therefore, only needful that our Government should afresh make such representations to the Spanish authorities as will recall this representation and secure a definite and satisfactory pledge that the property rights of the American missionaries on Ponape and other Caroline Islands shall be scrupulously recognized by the Spanish authorities, and that due compensation shall be made for any infringement upon these rights which may thus far have been made. The presence of an American gunboat in the harbor at Ponape was a very impressive lesson to the Spanish authorities there, and it will make all the more effective such forcible and reasonable representations as our Government may now properly make.

Assured of your interest in the matter and of your readiness to further American interests in these islands in every way properly within your power, and asking early attention to this matter in view of the length of time which it may require for action at Madrid to reach Ponape,

I am, etc.,

JUDSON SMITH.

Mr. Strobel to Mr. Bayard.

No. 388.] LEGATION OF THE UNITED STATES,
Madrid, January 18, 1889. (Received February 2.)

SIR: Referring to the Department's No. 6 of the 17th ultimo, to Mr. Belmont, I have the honor to inclose a copy of a note which I have addressed to the minister of state in reference to the retention by the governor of Ponape of title deeds to land in that island belonging to the American missionary, Mr. Doane.

I have, etc.,

EDWARD H. STROBEL.
Chargé d'Affaires ad interim.

[Inclosure in No. 368.]

Mr. Strobel to the Marquis de la Vega de Armijo.

LEGATION OF THE UNITED STATES,
Madrid, January 17, 1889.

EXCELLENCY: In my note of September 17, 1887, to your excellency's distinguished predecessor, Señor Moret, in reference to the arrest and imprisonment at Ponape of the American missionary, Mr. Doane, I took occasion to quote the explicit and emphatic assurance of Señor Elduayen given to this legation in his note dated October 15, 1887, as to the aid and protection which would be extended to the American missionaries in the Caroline Islands after their active occupation by the Spanish Government. It may not be improper for me again to refer to the above note of Señor Elduayen in presenting to your excellency the following facts:

Mr. Doane, after his return to Ponape, was called upon by the governor resident at that place to submit to him the deeds which he held of mission lands in different parts of the island. These deeds are very simple documents, but they bear the signature or mark of the chief who made the gift of the land occupied by the church, the schoolhouse, or the missionary's residence, as the case may be. While not the formal documents used in civilized countries, they are as complete and satisfactory as, under the circumstances, it is possible to secure.

The reason stated by the governor of Ponape for requiring the presentation of the deeds to him was, that he desired to forward them to Manila to the governor-general of the Philippine Islands, who would, after examination, give them his approval and return them.

Although many months have passed, and there have been several occasions for communicating with Manila, the deeds still remain in the hands of the governor, and have never been restored.

I have, therefore, been instructed to make an earnest representation on this subject to your excellency, in the hope that the Government of Spain, which has so clearly expressed its good-will towards the American missionaries in the Caroline Islands, will take measures to effect the early restoration to their owners of these important proofs of title.

I gladly avail myself of this occasion to renew, etc.,

EDWARD H. STROBEL.

Mr. Blaine to Mr. Palmer.

No. 37.] DEPARTMENT OF STATE,
Washington, November 25, 1889.

SIR: By reference to the files of your legation you will find correspondence which has passed between the Government of the United States and that of Spain in relation to the imprisonment and the deportation from Ponape, in the Caroline Islands, in the summer of 1887, of the Rev. E. T. Doane, an American missionary in the service of the American Board of Commissioners for Foreign Missions. This proceeding, which took place under the direction of the Spanish governor resident at Ponape, was subsequently repudiated by his superior officer, the governor-general at Manila, and was also disapproved by the Spanish Government; and Mr. Doane was restored to the scene of his labors. When the matter was brought to the attention of the Spanish Government the expectation was expressed that due reparation would be offered for the wrong done to Mr. Doane and for the expenses and losses which attended and resulted from it, the ground for this expectation being the confessedly wrongful action of the Spanish officials. No reparation, however, has as yet been made. You are therefore instructed to bring the matter again to the attention of the Spanish Government, and to ask that suitable redress may be afforded.

As having relation to this subject, I inclose herewith, for your information, a copy of a letter of the 13th instant, from the Rev. Judson

Smith, foreign secretary of the American Board of Commissioners for Foreign Missions. By this letter, which is accompanied with one from Mr. Doane to Mr. Smith, of the 23d of August last, copy of which is also inclosed, it appears that Mr. Doane is now threatened with deprivation of the lands which he has occupied in connection with his work for many years, and upon which expenditures have been made to a large amount. In this relation it is pertinent to call attention to the correspondence which took place between this Government and that of Spain in 1886 on the occasion of the submission to His Holiness the Pope, Leo XIII, of the question which arose between Spain and Germany in respect to the sovereignty of the former country over the archipelagos of the Caroline and Pelew islands. When information of the settlement of that question, through the mediation of His Holiness, was conveyed to this Government (February 10, 1886) by the Spanish minister at Washington, this Government made, on March 2, 1886, the following reply:

As your Government is aware, the citizens of the United States have been actively engaged in disseminating information among the inhabitants of that quarter, with a view to their prosperity; and it is not presumed that their treatment under the rule of Spain, which this arrangement recognizes and confirms as between Germany and Spain (and which has never been contested by the United States), will be any less favorable than that of Germans or other foreigners commorant therein.

On the 12th of March, 1886, the Spanish minister inclosed, in reply to the above note, as well as to more specific representations previously made by the United States to the Spanish Government through the American legation in Madrid, a copy of a communication from his Government bearing date February 16, 1886, in which specific assurance was given that the rights and privileges of citizens of the United States engaged in missionary or other work in the islands in question would in no manner be infringed or disturbed, but on the contrary, would be fully protected and secured. This correspondence may be found on pages 831–834 of the volume of Foreign Relations for 1886, a copy of which is sent to you herewith.

You are instructed to bring the matters mentioned in this communication to the attention of the Spanish Government, with an expression of the interest felt by this Government in the subject.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 37.]

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset street, Boston, November 13, 1889.

DEAR SIR: Recalling to your attention previous communications concerning the Spanish occupation of the Caroline Islands and its bearing upon the work of American missionaries representing this board long resident in these islands, and expressing anew satisfaction with the interest which our Government has shown in the protection of American interests in these islands, I beg leave to report the present state of affairs as brought to my attention by a letter just received from Rev. Edward T. Doane, the veteran missionary of the board in these regions. Mr. Doane is the gentleman who was so injuriously apprehended and imprisoned by the first Spanish governor resident at Ponape, in the summer of 1887, who was detained in custody for three months and deported to Manila upon wholly groundless charges. The action of the Spanish governor in this matter being repudiated by his superior, the governor-general resident at Manila, Mr. Doane was in due time returned to his work without

trial or penalty. For the wrong thus inflicted upon Mr. Doane and for the injury done to American interests no suitable reparation has ever been made by the Spanish Government. At least no intimation of such reparation has ever reached Mr. Doane himself or the officers of this society. An expense, all told, amounting to nearly $2,000 was involved in this apprehension and removal of Mr. Doane from his residence and work. Nothing could be more just in itself or more likely to induce proper caution on the part of the Spanish authorities in the Caroline Islands in their dealing with American citizens engaged in Christian work in these islands than a dignified and firm insistence upon the payment of this indemnity. I am sure that I do not need urge upon your attention the importance of this step, both as an act of justice in itself and especially as a proper safeguard of the honor of the nation and of the American interests involved in the case.

The letter which I have just received from Mr. Doane shows that the Spanish authorities at Ponape need a reminder of the sort which I have intimated, with reference to their present and future relations to our work in these islands. I am sure I do not need to remind you that our Government, at the time when the question of the transfer of the Caroline Islands from German jurisdiction to Spanish jurisdiction was submitted to the arbitration of Pope Leo XIII, made an express stipulation that such transfer should work no detriment to American interests connected with our missionary work in these islands. Information of this has been communicated to us through the Department of State, and I only mention it as giving a just ground for present action on the part of our Government, which I trust will be taken without delay. When the character of the missionary work which for nearly forty years the American board has carried on in these islands is considered, its purely religious aim, free from all political motives or complications, its beneficent results, and its happy bearing upon the welfare of the islands and upon their prosperity, and when the fact is further recalled that our board carries on similar operations in the midst of the Turkish Empire, in China, and among many tribes of Africa, and everywhere enjoys the protection even of heathen kings and rulers, there seems no reason why, with all justice and right, the pledge of protection given by Spain when she assumed sovereignty in the islands should not be insisted upon in the fullest and most substantial manner.

The disposition of the present Spanish governor to ignore title to lands and property enjoyed by our missionaries for many years past is distinctly brought to view in the letter from Mr. Doane. You will not need to be told, I am sure, that our missionaries have no business interests in these islands. The lands and property referred to are simply such as are needful to give to the missionary work they carry on a footing and suitable surroundings, and the property is administered absolutely with reference to the welfare and progress of this missionary work. It yields no income of any sort to any person connected therewith. Should the present effort of the Spanish governor to dispossess our missionaries of the mission lands which they now occupy go on unchecked, the result would be the entire uprooting of our missionary work, and the necessary banishment of all our American laborers from these fields. That such a purpose should be allowed to forward to its fulfillment without a distinct protest, made effective if need be by the visit of an American man-of-war to the harbor of Ponape to express the purpose of our Government to protect its citizens and their lawful interests there, I am sure you will not for a moment consent to or permit. The remoteness of these islands, the defenseless position of our American citizens engaged in Christian work there, and the time required to communicate with these islands, alike make needful prompt and energetic action. When the Spanish Government and its representatives in these islands understand that the American Government stands behind the American citizens who reside there, and guards their welfare and their just claims with all its wealth and strength, justice will be done, and the devoted men and women there who look to this country with all confidence for protection will be assured that they have not looked in vain.

It seems to me important that you should have before you, in connection with what has been said above, a copy of the material parts of the letter from Mr. Doane, just received, which accordingly I inclose.

Assured that this representation will receive your prompt and efficient consideration, and assuring you of my highest personal esteem,

I am, etc.,

JUDSON SMITH,

Foreign Secretary American Board of Commissioners for Foreign Missions.

[Inclosure.]

Mr. Doane to Mr. Smith.

PONAPE, *August 23, 1889.*

DEAR BROTHER: It is but a few days since I wrote you. Since then certain matters with the Spanish have come up which I think I need to record for your reading. Just now the governor has begun to meddle with the lands. I am surprised he has seen fit to do so; perhaps there was a necessity for it, as his time of office holding is soon to cease, and may call for it. He resigns, staying here only two years instead of three.

I. The point just now is the old Mejiniong and Kenan lands. As with Señor Possadillio (the first governor) he calls the high chief Lepen Not into his office; puts the question to him, "Did you pass to Mr. Doane the land known as Mejiniong?" He replies, "No." Sad that there is that man's name, Lepen Not, signed to the paper. As with Possadillio he has gone back on his own word, given and written by me, nearly ten years since. This man is a high chief; a church member; has all along professed to be a warm friend of mine, but here he is going right back on his word, and for sympathy he takes another man, Kro Rue, with him, and both falsify their word, and that places me as a maker of false deeds. This, of course, will bring on me the ire of the governor, as it did that of Possadillio, and there is talk of my being sent to Manila again. I may say here this high chief is aided in his dark work by an Englishman of the lowest type, telling the chief by denying my title he will be taken into the favor of the governor, and no doubt receive some sum of money the governor will pay for the land.

II. I have stated the outline of the dark work respecting Mejiniong, given to the mission in 1880. I need here to say a word as to Kenan, a small piece of land, some 20 acres, given by another chief to the mission in 1870. To this paper there are, I think, four names signed; two of the witnesses are dead, myself and the deacon of the church are the only ones left. It would seem as to this small piece of land there could possibly be no mistake; but the governor puts the same question to Lepen Not, "Did you give Mr. Doane, Kenan." He replies, "No, all the land he owns was where formerly his house stood." This is true; Lepen did not give the Kenan land; that was done, as I have said, in 1870, long before Lepen Not secured his high title. It was given by another King, since dead, the transfer made by one Jouen Metip, a deacon in my church. He acted for the said King. The lines to this land we both ran. But the Spanish governor, not seeming to have taken in this fact, acts on Lepen Not's assertion that he gave no land. And that piece of land, which the board has possessed for nearly twenty years, on which it has spent nearly $20,000 for missionary work, dwellings, schools, etc., is all taken from under us. We have no land at all in that region. Is this justice? It is difficult to feel other than that the Spanish are not what they should be. The effort seems to be to dispossess us of our lands, and then the work may totter to its fall. Now let me say here, thus far I have taken no part in the matter, nor do I mean to do so. The whole thing is so one-sided, so wanting in true justice, I can do nothing. We make the whole matter a subject of prayer. And we will "stand still and see the salvation of God." We have put the whole matter into His hands. There I will rest. I have narrated these facts that you may see on what tempestuous seas we are again sailing. If the board can do anything with the home government, action needs to be taken at once. * * *

We are kept walking amid hot fires. May we ever walk in the Lord's fear.

Affectionately,

E. T. DOANE.

Mr. Palmer to Mr. Blaine.

No. 35.] LEGATION OF THE UNITED STATES,
Madrid, December 16, 1889. (Received December 30.)

SIR: I have the honor to inclose copies of two notes, addressed to the minister of state, in pursuance of the Department's instructions No. 37, of the 25th ultimo, in reference to the indemnity claimed by the Rev. E. C. Doane for his imprisonment in 1887, and to his threatened deprivation by the governor of Ponape of the lands belonging to his mission. I have regarded as advantageous for clearness and emphasis to keep the two questions—the indemnity and the land—distinct from each other by separate communications.

I have etc.,

T. W. PALMER.

[Inclosure 1 in No. 35.]

Mr. Palmer to the Marquis de Armijo.

LEGATION OF THE UNITED STATES,
Madrid, December 13, 1889.

EXCELLENCY: When the facts of the detention and imprisonment of the Rev. E. C. Doane, of the American missionary in the Caroline Islands, was brought to the attention of the Spanish Government by this legation on September 17, 1887, the expectation was expressed that due reparation would be offered Mr. Doane for the expenses and losses resulting from the acts of the governor of Ponape, which were repudiated by the governor of the Philippine Islands, and disapproved by the central government at Madrid. The note of your excellency's distinguished predecessor, Señor Moret, of November 8, 1887, in reply to the note of the legation referred to above, while giving the fullest and most satisfactory assurances as to the future regards for the rights of Mr. Doane, deferred a definite consideration of the question of indemnity until the decision of the courts of Manila, on certain points of the case, should be known.

To this indemnity the attention of the Government of Her Majesty was again called by notes of this legation of June 12 and October 4, 1888. In the latter note the inquiry was made whether the proceedings of the courts of Manila had not reached the stage which would permit the question of indemnity to be considered. To this your excellency was good enough to reply on October 6, of the same year, that the required data had been urgently requested from the minister of the colonies, and would be transmitted to the legation as soon as obtained.

As no further communication in reference to the indemnity has been received, I have been instructed again to renew the inquiry as to whether Her Majesty's Government may not have obtained the information necessary to enable it to afford suitable redress to Mr. Doane for the losses he has suffered.

I avail, etc.,

T. W. PALMER.

[Inclosure 2 in No. 35.]

Mr. Palmer to the Marquis de Armijo.

LEGATION OF THE UNITED STATES,
Madrid, December 14, 1889.

EXCELLENCY: Referring to my note of yesterday in reference to the idemnity to the Rev. E. C. Doane, I have also the honor to invite the attention of your excellency to another matter relating to the American missions in the Caroline Islands.

On January 17 last, a note was addressed to your excellency by this legation in reference to the retention by the authorities of the Caroline Islands of certain title deeds to the lands belonging to the mission. Since that date the information has been received by Mr. Doane to the effect that, in consequence of alleged defects in his title, he is threatened by the governor of Ponape with deprivation of the lands which he has occupied in connection with the work of the mission for many years, and upon which expenditures have been made to a large amount.

The particular lands upon which this attempt is made are known by the names of Kenan and Mejiniong lands, and were given to the mission by native chiefs, the former in 1870 and the latter in 1880.

In bringing the above facts to your excellency's notice I am instructed to convey to your excellency the expression of the interest which is felt in the subject by the Government of the United States, and at the same time to refer again to the emphatic assurances given by the Spanish Government in the note of Señor Elduayen, October 15, 1885, repeated by the representative of Her Majesty's Government at Washington, in his communication to the Secretary of State, of March 12, 1886, and reiterated by Señor Moret in his note of November 8, 1887, to the effect that the right and privileges of citizens of the United States, engaged in missionary or other work in the islands in question, would in no manner be infringed or disturbed, but on the contrary, would be protected and secured.

I avail, etc.,

T. W. PALMER.

Mr. Blaine to Mr. Strobel.

No. 47.] DEPARTMENT OF STATE,
Washington, January 7, 1890.

SIR: I have received Mr. Palmer's No. 35 of the 16th ultimo, reporting that, in compliance with my No. 37 of November 25, last, he had addressed notes to the Spanish Government in regard to the indemnity claimed by the Rev. Mr. Doane for his imprisonment and to the threatened seizure of the lands of his mission by the governor of Ponape.

His action is approved.

JAMES G. BLAINE.

Mr. Palmer to Mr. Blaine.

No. 50.] LEGATION OF THE UNITED STATES,
Madrid, February 8, 1890. (Received February 24.)

SIR: Referring to my No. 356 of October 4, 1888, I have the honor to inclose copy and translation of a note from the minister of state, accompanied by the report of an inquiry made at Ponape in reference to the damage and loss suffered by Mr. Doane, the American missionary in the Caroline Islands, in consequence of his arrest and deportation to Manila, both to the effect that Mr. Doane suffered no damage, and is, therefore, not entitled to compensation.

I have, etc.

T. W. PALMER.

[Inclosure 1 in No. 50.—Translation.]

The Marquis de Armijo to Mr. Palmer.

MINISTRY FOR FOREIGN AFFAIRS,
Palace, January 31, 1890.

MY DEAR SIR: The minister of the colonies, to whom, as your excellency is aware, have been transmitted the different notes in reference to the claim of the American missionary, Mr. Doane, addressed to the ministry of state by the legation under your worthy charge, has communicated to me the report which has been in its turn forwarded to him by the Governor-General of the Philippine Islands.

Your excellency knows that although it is true that the courts of justice of the Philippine Archipelago annulled the proceedings against Mr. Doane, it was not because by this act his innocence of the charges against him was admitted, but because in the course of the proceedings certain formalities required by due process of law had not been fulfilled, and thus was once more proved the rectitude and impartiality of the procedure of the Spanish courts.

Your excellency likewise knows that the authorities of the island, keeping before them the religious character of Mr. Doane, his long residence at Ponape, and above all the protests of adhesion to Spain which he made through the medium of the United States consul at Manila, hastened with the greatest anxiety to satisfy the desires exhibited by the Washington Government, ordered the transfer of the missionary to his domicile as soon as possible, and gave all manner of assurances that all the property which the American mission legitimately possessed would be respected.

Referring, then, to the point relative to the indemnity asked in favor of Mr. Doane, the ministry of state, as your excellency will understand, could not give an answer on the subject without receiving the official report which is now in my possession. All that could be done therefore, in the meantime, was to request the minister to recommend to the competent authorities the necessity of trying with the greatest zeal,

interest, and scrupulousness to verify by all possible means whether Mr. Doane or any other of the American citizens established in the Caroline Islands had suffered material losses on which a request for an indemnity could be based.

The result of this investigation your excellency will find in the official report which was ordered to be drawn up for the purpose, and a literal copy of which I inclose until I can receive and communicate to your excellency the definite sentence pronounced by the Manila court.

As to the moral injuries which Mr. Doane may have suffered, your excellency will agree with me that his dignity ought to be completely satisfied with the disapprobation of the conduct of the Governor of the Caroline Islands, with his free restoration to his place of residence, with the attentions of which he was constantly the object and with the declarations made by Messrs. Elduayen and Moret, and the confirmation by the latter of the assurances given by the authorities of the archipelago both to Mr. Doane and the American consul that the mission could freely continue its labors in behalf of the propagation of the gospel, and that all the property legally acquired in the Carolines by the American mission would be respected.

I likewise, in my turn, give these assurances to your excellency, for, like my worthy predecessors, I am guided by the sincere purpose with which the acts of Her Majesty's Government are inspired, especially in what concerns a nation like the United States, with which Spain desires to maintain sentiments of the closest friendship.

It remains for me to inform your excellency that as soon as my colleague, the minister of the colonies, to whom I have written for the purpose with special urgency, communicates to me a report respecting the documents referred to by your excellency in your note of December 14 last, I shall hasten to bring them to your attention.

And in the mean time I avail, etc.,

THE MARQUIS DE LA VEGA DE ARMIJO.

[Inclosure No. 2.—Translation.]

MINISTRY OF STATE. GENERAL GOVERNMENT OF THE PHILIPPINES.

Report drawn up to inquire into the existence of material losses which have been occasioned to the Protestant missionary, Mr. Doane, by reason of his transfer under arrest to Manila.

Heading of the report: Don Luis Cadarso y Rey, captain of frigate of the royal navy, Governor P. M. of the Eastern Caroline Islands, and judge of first instance of his district. Being required to prepare a report in accordance with the private communication of the minister of the colonies, dated April 4 last, which was transmitted to this department by the Governor-General of the Philippine Islands on June 10 last, appointed as referees to make the investigation in the manner provided by the law, Don Filomeno Rodriguez and Don Enrique Decoro, employés of the department, who, being aware of the obligation contracted by them, and under oath, bind themselves to guard with secrecy and fidelity everything pertaining thereto. In witness whereof, with the said judge, they affix their signatures at Santiago de la Ascension, on the 14th of August, 1889. Luis Cadarso, Filomeno Rodriguez, Enrique Decoro.

Report.—We hereby affirm that in pursuance of the order of the judge we have summoned the following persons to give testimony: Portuguese subjects, Joaquin Lopez and Joaquin Gilimata; American subjects, Mr. Kehon and Mr. Harry Beamong, Mr. Naid; Corporal José Martin, European Spaniard; Father Saturnino de Arlajona, superior of the Catholic Mission in the Caroline Islands; the natives, Nalen y Kanke, and the Protestant missionary, Mr. Edward Doane, Santiago de la Ascension, August 14, 1889. Filomeno Rodriguez, Enrique Decoro.

Testimony of the Portuguese subject, Joaquin Lopez: In Santiago de la Ascension, on the said date of the month and year aforesaid, appeared before the judge and as the referees Joaquin Lopez, Portuguese subject, native of San Vincente de Cabo Verde, domiciled in this island and more than 20 years of age, who, being duly sworn, was examined as follows: Whether he was in this island in the month of April, 1887, when the American missionary, Mr. Doane, embarked in the man-of-war *Manila* by order of the Governor Posadillo, and if he has any information of the said missionary, during his absence in Manila, having suffered any material injury in his estates, buildings, or other property of any class whatever, or if he has any information of his having suffered any injury through the fault of the natives by reason of the rebellion of the 4th of July of the same year, *answers* that in January he *completes* four years of residence in the island, that he was an eyewitness of the *events* referred to in the questions, that in reference to the injury or losses which

may have been caused Mr. Doane, the Protestant missionary, at the periods referred to in this question, he can give the most absolute assurance that the said Mr. Doane did not suffer damage of any kind in his interests, nor could he suffer them, since his relations with the natives are as closely intimate as can be those of the best father with his loving children; that he never heard any one in the whole island say anything in reference to said injuries, and that he has nothing further to add. At thisp oint his examination was suspended, the testimony was read to him, and, on his admitting it to be correct, he signs it with the judge, all of which we, the referees, bear witness. Luis Cadarso, Joaquin Lopez, Filomeno Rodriquez, Enrique Decoro.

Testimony of the English subject, Harry Beamon Nilson: Next appeared before the judge and us, the referees, the English subject, Harry Beamon Nilson, native of Dinkan County (England), more than 50 years of age, domiciled in this island, who, being duly sworn, was examined as follows: Asked whether he was in this island in the month of April, 1887, when the Protestant missionary, Mr. Doane, embarked on the man-of-war *Manila* by order of Governor Don Isidro Posdillo, and if he has any information of said missionary during his absence having suffered any material injuries in his estates, buildings, or other property of any class whatsoever, or if he has any information of his having suffered any injury through the fault of the natives by reason of the rebellion of the 4th of July of the same year, *answers* that on the date aforesaid he was living in the neighborhood of this colony, in which he has been residing for four years, and that he can affirm that neither the property nor the interests of Mr. Doane, during his absence in Manila, suffered the least attack or injury on the part of the natives or of anyone else, especially as the missionary, Mr. Rand, remained in the island, who always retained influence and friendship with the natives; answers, that he has nothing further to add. At this point his examination was suspended, the testimony was read to him, and, on his admitting it to be correct, he signs it with the judge, to all of which we, the referees, bear witness. Luis Cadarso, Henry Beamon, Filomeno Rodriguez, Enrique Decoro.

Testimony of the English subject, William Knight: Appeared in Santiago de la Ascension on the 17th day of August of the year 1889, before the judge and us, the referees, the English subject, William Knight, native of London, England, more than 50 years of age, domiciled in this island, who, being duly sworn, was examined as follows: Asked if he knew that on account of the detention of the Protestant missionary, Mr. Doane, and during his absence from this island during the insurrection of the natives, material injury had occurred to said Mr. Doane or to the missionaries of his sect, answers that he did not know if any injury had been caused to the said estates, nor did he believe it possible that such injuries could have been suffered by the missionaries on account of the friendly relations that existed between the missionaries and the natives. Asked if he had anything to add or retract, answers that he has nothing further to add or retract. At this point his examination was suspended, the testimony was read to him, and, on his admitting it to be correct, he signs it with the judge, all of which we, the referees, bear witness. Luis Cadarso, W. Knight, Filomeno Rodriguez, Enrique Decoro.

Testimony of Levan Not: Appeared in Santiago de la Ascension on the 25th day of August of the year 1889, before the judge and us, the referees, the native of these islands, Levan Not, who, being duly sworn, was examined through an interpreter as follows: Asked if he knows whether, in consequence of the absence of Mr. Doane in the months of June and July, 1889, and on account of the disturbances occurring in this island at that time, the interests held by Mr. Doane and the other American missionaries in the tribes of Ponape suffered any injury, and what are the relations of friendship existing between Mr. Doane and the natives, *answers*, that both during the absence of said missionary, and during the rebellion in the colony, neither the interests of the missionary, Mr. Doane, nor those of the other American missionaries, suffered any damage of any kind, and that the relations of said missionaries with the natives have been always very good, as a result of which the interests of those missionaries have been always guaranteed. Asked whether he has anything to add to this, answers that he has nothing to add. At this point the examination was suspended, the testimony was read, and, on his admitting it to be correct, he signs it with the judge, to all of which we, the referees, bear witness. Luis Cadarso, Levan Not, Filomeno Rodriguez, Enrique Decoro.

Testimony of the native Nalem: At Santiago de la Ascension, August 22, 1889, there appeared before the judge and us the referees, the native of the tribe of Not of these Islands, named Nalem, and being duly sworn was examined through an interpreter as follows: Asked whether he knows if, in consquence of the detention and departure from the island of the Protestant missionary Mr. Doane in the year 1887 and on account of the rebellion which took place in that island, material injury was suffered in their estates and other property by the American missionary and Mr. Doane and the others of his nationality, *answers* that in the period referred to in the questions, neither the material interests of Mr. Doane nor of any of the American subjects suffered the least damage, nor could such damage occur, inas-

much as the natives were on the best terms with Mr. Doane. Asked if he has anything further to add, *answers* that he has nothing to add. At this point the examination was suspended. The testimony was read to him, and having admitted it to be correct he signs it with the judge to all of which we the referees bear witness.—Luis Cadarso, Nalem Not, Filomeno Rodriguez, Enrique Decoro.

Testimony of the Protestant missionary, Mr. Doane: At Santiago de la Ascension on September 2d, 1889, appeared before the judge and us the referees, the North American subject, Mr. Edward Doane, chief of the Protestant mission in these islands, and being duly sworn was examined as follows: What kind of material injury does he say was caused him by his detention and the voyage to Manila which he made by the order of the Government of these islands Don Isidro Posadillo, *answers*: that the principal injury caused him consisted in the paralyzation of his business in the mission during the four months of his detention on board of the vessel and in Manila, since the schools could not pursue the work which he had planned, and on account of the war made betwecn the natives and the colony during his absence all his business was paralyzed. Asked: To define, in a manner clear and precise, in what consisted the material injuries suffered by the mission through fault of the Spaniards, *answered* that he knew by report that the interpreter Manuel Garcia, who had been killed by the natives, with some Kanakas of Ponape had destroyed six houses held by the natives, near the church, which belonged to him, although they can present no document showing property. There were also destroyed some lemon and cocoa trees. *Asked* if he can summon some one of those residing in this island to bear witness to the truth of what refers to the property of the six houses and the destruction of the lemon and cocoa trees, *answered* that he can present no witness to bear witness to the truth of what he says. Asked if he has anything to add, *answers* that he has nothing to add. At this point the examination was suspended. The testimony was read to him, and having admitted it to be correct, he signed it with the judge, to all of which all the referees bear witness.—Luis Cadarso, E. T. Doane, Filomeno Rodriguez. Enrique Decoro.

Decision.—Don Luis Cadarso y Rey, governor of the East Caroline Islands and judge of the first instance of the district. In view of the proceeding and of the testimony taken to verify what damages are occasioned to the North American missionary, Mr. Doane, during his absence from the island in 1887, and Mr. Doane having been heard by his testimony given on this date, it is fully proved that only moral injuries were caused him, according to his statement, through inability to continue the school of the natives, but in respect to material injuries no one knows them, and even the interested party confines himself to the statement he only suffered loss in the houses, which were near the colony and were the property of the natives, by which it is shown that no personal injury has been suffered by the American missionaries, notwithstanding this the most excellent court will decide what it judges to be most in accordance with justice. Santiago de la Ascension, September 2, 1889. Luis Cadarso. A true copy.

Mr. Blaine to Mr. Palmer.

No. 63.] DEPARTMENT OF STATE,
Washington, March 1, 1890.

SIR: I have received your No. 50, of the 8th ultimo, inclosing a note and report from the Marquis de la Vega de Armijo, denying that the Rev. Mr. Doane suffered any material loss so far as his property interests were concerned during his temporary removal from the island of Ponapé. Copies of the note and report have been transmitted to the American Board of Commissioners of Foreign Missions.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Palmer.

No. 72.] DEPARTMENT OF STATE,
Washington, March 13, 1890.

SIR: With further reference to your No. 50, of the 3d ultimo, relative to the case of Mr. Doane in the Caroline Islands, I have to inclose herewith a copy of a letter of the 7th instant, from the Rev. Judson Smith, foreign secretary of the American Board of Commissioners for Foreign Missions, in reply to a letter of the Department with which was inclosed a copy of the note of the Marquis de la Vega de Armijo. In this note it was held that, as it had not been shown that Mr. Doane had suffered any loss in his property interests during his imprisonment on board the Spanish man-of-war at Ponapé and his temporary removal thence to Manila, the Spanish Government was under no obligation to grant any pecuniary indemnity.

When the case of Mr. Doane was presented to the Spanish Government two grounds of claim were set forth: First, that of injury to property, and, second, that of unjust imprisonment and deportation. The report of the Spanish authorities, so far as it has been carried, leads the minister of state to the conclusion that nothing is due to Mr. Doane on account of losses to property, since none was suffered. In regard to the second ground, he says: "As to moral injuries which Mr. Doane may have suffered, your excellency will agree with me that his dignity ought to be completely satisfied with the disapprobation of the conduct of the governor of the Caroline Islands, with his free restoration to his place of residence, with the attentions of which he was constantly the object, and with the declarations made by Mr. Elduanya and Mr. Moret, and the confirmation by the latter of the assurances given by the authorities of the Archipelago, both to Mr. Doane and the American consul, that the mission could freely continue its labors in behalf of the propagation of the gospel, and all the property legally acquired in the Carolines by the American mission would be respected."

In reply to these observations it is proper to state that Mr. Doane's imprisonment involved not merely a question of personal dignity, but a deprivation of a substantial right, viz, that of personal liberty. It is admitted that the imprisonment and deportation of Mr. Doane were wholly unjustifiable. This being so, it necessarily follows that he was subjected to a wrong for which substantial reparation should be made. The disapprobation by the Spanish Government of the conduct of the governor and the subsequent restoration of Mr. Doane to his place of residence were acts due by that Government to its own sense of justice; but they afforded no compensation to Mr. Doane for his loss of liberty as the consequence of his unjust imprisonment. In respect to the losses of property, the Department for the present suspends judgment.

You are instructed to bring these views to the attention of the Spanish Government.

I am, etc., JAMES G. BLAINE.

[Inclosure in No. 72.]

Mr. Smith to Mr. Blaine.

BOSTON, *March 7, 1890.*

DEAR SIR: I have the honor to acknowledge your favor of the 1st instant, inclosing a translation of a note from the Marquis de la Vega de Armijo to the United States minister at Madrid, and inclosing a report in the case of the Rev. Mr. Doane.

I have read this report with care and observe its scope. I understand it to touch simply upon the question whether Mr. Doane suffered in his property interests during his temporary imprisonment on board the Spanish man-of-war at Ponapé and his temporary removal thence to Manila.

The further question whether indemnity for a wrong thus done Mr. Doane, an American citizen, is justly claimed, I do not understand these communications from Spanish authorities to have any bearing upon; and I infer from your own letter that the scope of these communications is understood by the Department of State at Washington to be strictly limited to the question of any material injury to Mr. Doane's property interests. It would be astonishing and quite beyond belief that for such an act as the arrest and imprisonment and deportation of Mr. Doane upon charges that have never been sustained, and which have been virtually dismissed as without cause by Mr. Doane's return to his residence and work on Ponapé, should go without some definite act of reparation on the part of the Government so offending. I feel assured that our Government will not suffer the matter in hand to rest at the present stage, but will insist with dignity and firmness upon the reparation which is so obviously due to our Government itself and to Mr. Doane personally for this outrage upon personal liberty and national rights. The relations of the Spanish Government in the Caroline Islands to Mr. Doane and the other Americans resident in these islands can never be one of just security if this act of the past shall be suffered to go without proper and ample atonement. Upon this point I do not feel that I need to enlarge. I am very well assured that our Government is too sensible of what is due to itself and to its subjects, in whatever part of the world they dwell, to permit this serious violation of right and national comity to go unredressed.

There is a further question of no little interest as connected with all our missionary interests in the Caroline Islands, which needs attention. I refer to the titles to missionary lands which the Spanish Government seems disposed to ignore. In view of the high probability that the United States will presently be represented on Ponape by a consul, under whose care these matters may be more satisfactorily adjusted, it may not be needful that more should be attempted at present. I mention the matter because it has been mentioned in previous correspondence, and I am unwilling that it should pass out of thought as though previous complaints and suggestions had been without sufficient ground.

I am pleased to say that for the most part the relations between the American missionaries of this Board in the Caroline Islands and the Spanish authorities there have of late been friendly and without friction. The presence of the Spanish troops is demoralizing in a high degree; but this is inevitable, and is probably something which the Spanish Government, however well intentioned, could not easily control.

Renewing former expressions of confidence in the purpose of our Government to retain its own dignity and the rights of its citizens in every part of the globe, and calling your attention again specially to the situation as described above,

I remain, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

Mr. Blaine to Mr. Newberry.

No. 134.] DEPARTMENT OF STATE,
Washington, October 20, 1890.

SIR: I inclose the commission of Herbert L. Rand, a citizen of the State of Illinois, as consul of the United States at Ponape, Caroline Islands.

You are instructed to apply in the proper quarter for recognition of Mr. Rand in his official capacity, and to inform him of the result in the usual manner.

I am, etc.,

JAMES G. BLAINE.

Inclosure commission dated September 9, 1890.

Mr. Blaine to Mr. Newberry.

No. 141.] DEPARTMENT OF STATE,
Washington, November 4, 1890.

SIR: I inclose copy of a letter just received from the secretary of the American Board of Commissioners for Foreign Missions, in which he refers to the disturbed condition of affairs at Ponape and points out the efforts of the missionaries to preserve the peace and improve the relations between the natives and the Spanish garrison.

The Department is informed that our recently appointed consul at Ponape will shortly proceed to his post. It is trusted that his efforts to promote good-will and to further peaceful relations of the American missionaries and the natives toward the Spanish authorities will receive the cordial support of the latter; and that the instructions of the home government to the governor of the Caroline Islands will tend to the same end. As this letter shows, the missionary organization has the interest of law and order very nearly at heart.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 141.]

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, I Somerset street, Boston, November 1, 1890.

DEAR SIR: In view of the intelligence just received from our missionaries in the Caroline Islands, and especially from those at Ponape, the residence of the Spanish governor for these islands, I take this opportunity to report the same to you, and to ask such attention as the merits of the case seem to demand.

The letter which has reached me was written by one of the young women who is at present residing at Ponape, and describes an outbreak on the part of the natives against the Spaniards provoked as it seems by the conduct of the Spaniards. It seems that the Spanish authorities had made the attempt to erect buildings of their own very closely bordering on the premises occupied by our missionaries, and had located a building intended for the Catholic priests within 6 feet of the door of the native church which had grown up there under the care of our missionaries. These things seem to have aroused the suspicion of the natives and to have been the occasion, though not, I suppose, the cause, of the outbreak. The cause is doubtless to be found in the memory of the grievous wrongs inflicted upon the natives some three years ago. Our missionaries upon learning the feelings of the natives did their utmost to hold them in check, to persuade them to give over their intention, and after the fighting began it was by their efforts alone that several of the priests and soldiers were rescued from imminent death and kept in hiding in our own mission houses until they could be gotten safely away.

Our missionaries have done their utmost to urge the natives to give over their opposition and submit themselves loyally to the Spanish authorities, but so far their efforts seem to have been in vain. Mr. Doane, the veteran missionary, who three years ago was so successful in persuading the natives to lay down their arms and quietly accept the conditions offered by the Spaniards, died some four months ago, and there is no one left who has the same power of persuasion over the natives which he possessed. We are informed that the Spanish governor has sent word to Manila for help, and that the probability is that when a man-of-war returns summary vengeance will be inflicted upon the natives; and there is no little hazard that the property of our missionaries and even their lives may suffer in consequence of these things. It is a great pity that the consul appointed by our Government for Ponape is not now on the spot. He is needed as he never has been before and may not soon be again. If anything can be done even to hasten his arrival and to provide him with the needed authority and means of guarding American interests there, I am sure it will be your purpose and pleasure to see that it is done.

I can but feel that the lives of our missionaries are in great peril, and the valuable work which has been carried on in that island for more than a generation is in great danger of being wholly destroyed. Permit me to suggest that there may be some

advantage in direct communication with the Government at Madrid; that it may be understood there that our Government at Washington has its eye upon these distant points, and the interests of its subjects there; and thus an added guaranty to a just and righteous settlement be secured.

Anticipating action prompt and efficient according to the wont of our State Department,

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

Mr. Blaine to Mr. Newberry.

No. 145.] DEPARTMENT OF STATE,
Washington, November 12, 1890.

SIR: Referring to my No. 141 of the 4th instant, concerning the critical condition of affairs in the island of Ponape, and the efforts of the American missionaries to bring about better relations between the natives and the Spanish Government, I now inclose for your information a copy of a recent letter from the Secretary of the American Board of Commissioners for Foreign Missions and a copy of a despatch from our Minister at Honolulu, both relating to the same subject.

I am, &c.,

JAMES G. BLAINE.

[Inclosure I in No. 145.]

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset Street. Boston, November 3, 1890.

DEAR SIR: Since writing you last week, further information has been received respecting the outbreak at Ponape and the perils which surround our missionaries and their property there. I send you a copy of the letter which has been received from Mrs. Cole, one of the laborers in connection with our mission on Ponape. Nothing perhaps can give a livelier impression of the situation and of the dangers which are near at hand. Unless the American Government is represented authoritatively at Ponape and that very soon, I hardly see how we can hope for the safety of our missionaries or for the security of their just property rights.

The appearance of a gunboat in the harbor of Ponape some three years ago, when the trouble with Mr. Doane had occurred, wrought a most salutary effect among the Spaniards and natives and I feel that a crisis fully equal to that is now upon the island. I trust that you will not hesitate promptly to exert the authority of the Government in defence of these defenceless Americans, who are clearly innocent of every cause of complaint, but who are likely to be involved in the swift retribution which the Spanish authorities seem bent upon bringing upon the natives.

We have never yet received information that compensation for the actual money losses incurred by Mr. Doane in the injurious treatment of three years since has been paid over by the Spanish Government, though the promise to do so has been repeated more than once. Ponape is a small island and the American citizens there are few in number; but it is the glory of the American Government that its protecting arm is outstretched to the weakest and feeblest of its subjects wherever they may be found; and I am sure that in this crisis our Government will not be found wanting.

I am, &c.,

JUDSON SMITH.

[Inclosure.]

Mrs. Cole to Mrs. Cooke.

PONAPE, *July 14, 1890.*

* * * We are in great trouble here. The natives have broken out again on the Spaniards, and killed a lieutenant and two corporals and about thirty Manila men at our place at Oua.

They came to Oua* May 17 and asked for a place to build. The hill close by our school was given them, and they started to clear the place, and two weeks after two priests came and wanted a place to build on, and no other place but the Doane's place, close by the church, would suit them. They started to build their church about 4 yards from our church door. Of course we complained to the governor about it, but they said that that was the only healthy place, so the governor wrote and told us that they could not have it moved, as that was the only healthy place. We could not do or say anything more.

June 25, early in the morning, we were awakened with the noise of shouting and shrieking. The lieutenant and his men had just started to their work, and the natives rushed on them and killed them, a few escaping to the woods and the natives hunting them down like pigs. They not having any arms, could not do anything. They left all their arms in the house they were living in, and the natives took them all. When we first heard the noise Nanpei ran down the hill just in time to save the two priests. He brought them up to our house, and he and his wife saved five Manila men and a chief saved another, and we kept them all in our house two days and two nights. Those were nights of anxiety for us. We did not know what minute they would break in and kill them. Our own lives were in danger, too, because they were angry with Nanpei for saving them. The second night Nanpei and Mr. Bowker took them quietly from the house down to the shore and out to the reef, where the man-of-war was, and they got safely on board. When the news reached the governor he sent four armed boats, but they were driven back by the natives, killing two and wounding nine. No Ponapeans got hurt. About 5 o'clock the same day the man-of-war came, and as she was going in the passage she got on a reef, and they did not get her off until Sunday night. (She got on Wednesday evening.) The man-of-war getting on the reef saved a fight and the lives of the people we had in the house, and perhaps our own lives, too. Now they are going to send to Manila for help. In about four weeks they will have four men-of-war down here. Then they will shell the whole of Matelenin. Poor, poor Ponape will suffer now for their foolish deed.

Our work is broken up, and we will have to leave the place till it is quiet again. The governor sent word to all that did not have anything to do with the fight to leave, or he would not be responsible for their lives. We are going to Nanpei's place at Kiti to live till the *Star* comes. I hope she is about ready to leave Honolulu now. We will begin to look for her the end of August.

The governor has been very kind to us. He offered us a house to stay in, and to protect us. We will be safe at Kiti, unless the whole island breaks out. The Kiti tribe is quiet now. The Spanish have a station there, with about forty men and two priests, and they are quite friendly to them. We do not know the real cause of the fight. A great many blame us for it on account of our not wanting their church near ours, but it is not true. The Oua people did not start the fight, but now they have all joined.

The second day after the fight I left Oua with ten girls, and have been staying here with a friend. I went back once to see Miss Palmer, and to plan about going to Kiti. We want to keep the girls with us, if possible.

Tell Grace not to be anxious about us. The natives say they will not kill any of us. * * *

With love to you all,

LUCY M. COLE.

(Postmarked Manila, August 11.)

[Inclosure 2 in No. 145.]

Mr. Stevens to Mr. Blaine.

No. 6.] LEGATION OF THE UNITED STATES,
Honolulu, October 6, 1890.

SIR: October 2d the accompanying statement of facts touching recent affairs at one of the Caroline Islands, affecting the lives and property of American citizens, was placed in my hands by the representatives of the Hawaiian Missionary Associa-

*The place of missionary residence on Ponape.

tion, the agent of the American Board of Missions in the Pacific Islands, whose central office is in Boston. Rev. Dr. C. M. Hyde is a citizen of Massachusetts, and a gentleman of character and reputation, and Rev. Mr. Emerson, the corresponding secretary, has an excellent standing in these islands. At once, I conferred with Admiral Brown, of the North Pacific Squadron, at this time in the harbor of Honolulu with the flagship *Charleston* and the *Iroquois*, as to the practicability and expediency of making an effort to deal with the questions and interests involved in what has recently transpired at Ponape. Promptly considering the matter brought to his attention, on examination of his charts, Admiral Brown found that Ponape is about 3,000 miles from Honolulu, and lies more properly in the marine jurisdiction of the South Pacific Squadron. It is obvious that the Spanish vessels, spoken of in the accompanying papers, had arrived at the Caroline Islands about the 1st of September, and that Admiral Brown could not reach Ponape with the *Charleston* much before October 25th, and that whatever vigorous measures the Spanish officials had resolved to take against the offending natives in the vicinity of Ponape would have been taken nearly two months before Admiral Brown could arrive at the seat of the difficulties. In the meantime, the missionary ship, the *Morning Star*, would have arrived at Ponape and removed the Americans who might have been considered in danger.

These facts and considerations brought the Admiral and myself to the conclusion that all that could properly be done from this point, is for me to lay the facts before the Department of State for its consideration. It seems clear that outrages have been committed against the rights of the American Missionary Board. That the taking of its property by the Spanish priests, with assent of the Spanish officials, constitutes a just claim against the Spanish Government, supplementing the adjusted claim of Rev. Mr. Doane, or his heirs and assigns, which that government some time since agreed to pay to the amount of $5,000, not one cent of which has ever been paid. * * *

I have, etc.,

JOHN L. STEVENS.

[Inclosure in No. 6.]

Messrs. Emerson and Hyde to Mr. Stevens.

BOARD OF HAWAIIAN EVANGELICAL ASSOCIATION,
Honolulu, Hawaiian Islands, October 2, 1890.

The undersigned have been appointed by the Board of the Hawaiian Evangelical Association, to lay before you a statement of facts, not only as a matter of authentic information, but as one involving principles of international comity, in which said board has a vital interest.

The said Hawaiian Board is the duly authorized agent in the North Pacific of the American Board of Commissioners for Foreign Missions, whose office is in Boston, Mass. As such agent, the Hawaiian Board acts on behalf of the American Board of Commissioners for Foreign Missions in these islands, and in the islands of Micronesia, Ponape being one of the Caroline group.

Information has come to us that the mission property of said American Board of Commissioners for Foreign Missions is endangered by the conduct of the Spanish officials on the Island of Ponape, and the natives of said island, and the lives, also, of American citizens, imperiled.

When the Spanish government took possession of said island of Ponape as a constituent part of the Spanish dominions, assurances were given that the mission property, given in due form to the American Board of Commissioners for Foreign Missions and held for many years as the property of the American Mission, should be duly respected.

But said property has been entered upon, seized, and occupied by the Spanish officials without any compensation for the same, although in pursuance of remonstrances from the United States Government the Spanish Government has agreed to pay $5,000 for damages incurred, not one cent of which has yet been paid. This was for property seized and damaged at Kenan, on said island of Ponape.

More recently, to wit, on May 18, 1890, the mission property at Oua, on said Ponape, was occupied in a similar way, against the protest of the women teachers left in charge of said premises since the return and death of Rev. E. T. Doane.

Still further to complicate matters, the natives of Ponape have risen upon the Spaniards, and the declared intention of the Spanish officials is to shell the premises, while the facts are that a Ponapean (the teacher employed by the mission), at the risk of his own life, and to the endangerment of the mission property, brought upon the premises two Catholic priests and five Manila soldiers, protecting them from injury at his own personal peril, and finally conducting them in safety to their comrades.

In view of these facts, it has been thought advisable to call your attention to this state of affairs, in order that in consultation with the admiral of the Pacific squadron, or in any suitable way, some adequate protection may be afforded to the lives of American citizens and the property of the American Mission, endangered alike by acts of violence on the part of the natives and illegal trespass on the part of the Spanish officials.

The promptness with which the United States steamship *Essex* was dispatched from Japan on occasion of the former trouble at Ponape, undoubtedly had much to do with the speedy and amicable adjustment of the difficulty at that time.

Most respectfully,

O. P. EMERSON,
Corresponding Secretary of Hawaiian Board.
C. M. HYDE,
Recording Secretary.

HONOLULU, *October 2, 1890.*

The accompanying exhibit, marked A, gives a copy of the letter upon which this communication is based. Mrs. Cole is an assistant teacher in the mission school.

Exhibit B is a copy of the deed to the American Board of Commissioners for Foreign Missions of the land Oua, on which the acts of May 18 and June 25, above mentioned, were committed.

C. M. H.

EXHIBIT A.

Copy of letter of Mrs. Lucy M. Cole, assistant in Ponape Mission Girls' School, dated Ponape, July 14, 1890.

May 17 [the Spaniards] came to Oua and asked for a place to build. The hill close by our church was given them, and they started to clear the place, and two weeks after two priests came and wanted a place to build on, and no other place but Mr. Doan's place close by the church would suit them. They started to build their church about 4 yards from our church door. Of course we complained to the governor about it, and he said at first that it should be moved. He wrote to the priests about it, but they said that that was the only healthy place. We could not do or say anything more.

June 25, early in the morning we were awakened with the noise of shouting and shooting. The lieutenant and his men had just started to their work and natives rushed on them and killed them. A few escaping into the woods [and] the natives hunting them down like pigs. They not having any arms could not do anything. They left all their arms in the house they were living in and the natives took them all. When we first heard the noise, Nanpei ran down the hill just in time to save the two priests. He brought them up to our house; and he and his wife saved five Manila men and a chief saved another, and we kept them all in our house two days and two nights. Those were nights of anxiety for us. We did not know what minute they would break in and kill them. Our own lives were in danger, too, because they were angry with Nanpei for saving them. The second night Nanpei and Mr. Bowker took them quietly from the house down to the shore, and out to the reef where the man-of-war was, and they got safely on board. When the news reached the governor, he sent four armed boats, but they were driven back by the natives, killing two and wounding nine. About 5 o'clock the same day the man-of-war came, and as she was going into the passage she got on the reef, and they did not get her off till Sunday night. (She got on Wednesday evening.) The man-of-war getting on the reef saved a fight and the lives of the people we had in the house, and perhaps our own lives, too. Now they are going to send to Manila for help. In about four weeks they will have four men-of-war down here. Then they will shell the whole of Matalenim.

NOTE.—Nanpei is a Ponapean, a teacher, living on the mission-school premises.

Charles Bowker is a carpenter from Massachusetts, resident on Ponape, under engagement to go to Ruk to put up some buildings for the mission there.

Rev. Mr. Rand and family sailed from Honolulu on the *Morning Star* July 11, and will probably have landed at Ponape about September 1.

There were killed June 25 a lieutenant, two corporals, and about thirty Manila men.

EXHIBIT B.

Deed of the land of Oua.

Be it known to all whom it may concern, I, Ijopan, King of the Metalenim tribe, and Uajai, and Noj, and Nanape, and Lepen Oua, chiefs of the same tribe, and all of the island of Ponape, we all and severally do this day of our own free will and consent make over to the American Board of Commissioners for Foreign Missions, located in the city of Boston, State of Massachusetts, United States of America, and having one of the stations of the mission known as the Micronesian mission on this island, all that section or parcel of land known as Oua whose boundaries are as follows:

Beginning at the lowest tide point on the flat due nearly east of the mouth of a small stream inland, running between the said piece of land Oua and Aru, the name of which stream is Leinperij, that boundary line running west from the above said point on the flat till it strikes the mouth of the said stream, it shall thence follow the middle of this stream up to its source and pass on thence to the mountain back of it. This line shall be known as the northern and northwestern boundary line of said tract of land.

The other boundary lines are as follows: The eastern one shall start from the designated starting point of the first and above said line, running thence south along the low tide margin of the abovesaid flat till it reaches a point opposite a small stream running between Mejijo and Oua, on the south side, it shall follow the middle of that stream up to its source, the said line passing on till it reaches in the mountain the terminus of the line on the north and northwest side of the above said tract of land.

These shall be its boundaries. These lands shall include all the flats, island or islands within them, the island especially known as Robinson's Island.

This piece of land, I, the King of the Metalenim tribe and my chiefs, whose titles are above given, do make over to the American Board of Commissioners for Foreign Missions, to be held, owned, and possessed by the said society or its assignees for religious, educational, and farming purposes in perpetuity.

It is stipulated by the said society, the natives now residing on the said piece of land shall be allowed to reside on their lots of land they now severally possess, but they shall never sell or alienate any part of their land or lands, or trees, or wood in the Naniark (swamp), or water from the streams, or what may be called other natural productions of the said land, unless empowered by the abovesaid society or its agent so to do.

No native, unless for proper cause assigned, shall ever be removed or ejected from that residence during his or her natural life; nor shall any native or natives be allowed to take up residence on the above section of land unless so authorized and permitted to do by the said society or its agent.

We this day do severally set our titles or affix our marks to this deed for the conveyance of the above said tract of land.

IJOPAN (his x mark).
UAJAI (his x mark).
NOJ (his x mark).
NANAPE (his x mark).
LEPEN OUA (his x mark).

Witnesses:
F. E. RAND.
E. T. DOANE.
JONTEL (his x mark).

Ponape, July 12, 1886.

(On back:) Exhibit B. Copy of deed of land of Oua on Ponape to the A. B. C. F. M.

Mr. Newberry to Mr. Blaine.

No. 205.] LEGATION OF THE UNITED STATES,
Madrid, November 26, 1890. (Received December 8.)

SIR: I beg to acknowledge the receipt of your No. 141 and No. 145, with inclosures, referring to the trouble at Ponape between the natives and the Spanish officials. I have the honor to inclose copies of my official correspondence with the Duke of Tetuan on the subject, and on receipt of reply will at once transmit it to the Department.

I have, etc.,

H. R. NEWBERRY.
Chargé d'Affaires ad interim.

[Inclosure No. 1 in No. 205.]

Mr. Newberry to the Duke of Tetuan.

LEGATION OF THE UNITED STATES,
Madrid, November 25, 1890.

EXCELLENCY: I have the honor to inclose herewith a copy of a letter addressed to the Department of State at Washington from the secretary of the American Board of Foreign Missions, calling attention to the disturbed condition of affairs at Ponape, and points out the efforts of their missionaries to preserve the peace and improve the relations between the natives and the Spanish garrison. Our newly-appointed consul at that place has received instructions to use his best efforts to promote good will, and to further peaceful relations of the American missionaries and the natives toward the Spanish authorities. It is to be hoped that your excellency's Government will give their cordial support to our consul to that end, as both he and the missionary organization will have the interest of law and order very much at heart.

I avail, etc.,

H. R. NEWBERRY.

[Inclosure No. 2 in No. 205.]

Mr. Newberry to the Duke of Tetuan.

LEGATION OF THE UNITED STATES,
Madrid, November 26, 1890.

EXCELLENCY: I have the honor to state that I am in receipt of further dispatches from the Honorable the Secretary of State at Washington relating to the late trouble at Ponape, and I desire to request your excellency to give your most serious consideration to the subject at hand, as it is a matter of great importance to my Government. When the Spanish Government took possession of said island of Ponape as a constituent part of the Spanish dominions assurances were given that the American mission property, granted in due form, and held for many years as the property of the American Mission School, be duly respected. But said property has been entered upon, seized, and occupied by the Spanish officials without any compensation for the same, although in pursuance of remonstrances from the United States Government the Spanish Government has agreed to pay $5,000 for damages incurred, not one cent of which has yet been paid. This was for property seized and damaged at Kenan, on said island of Ponape. And now, again, under the protection and permission of the Spanish officials, Catholic priests seize upon property belonging to American residents, and against their protests erect their church within twelve feet, more or less, of the American mission chapel.

I inclose a copy of a letter from Mrs. Cole, giving an account of this unlawful seizure and the trouble which it caused. On behalf of my Government I earnestly protest against the invasion of property and rights of the Americans at Ponape, and would suggest that your excellency's Government carry out the agreement made for damages incurred at Kenan, and that in the present instances orders will be issued to the officials of the island to remove all trespassers from the property rightfully belonging to Americans. I beg to again urge upon your excellency the necessity for a prompt adjustment of the difficulty, relying upon the desire of Her Catholic Majesty's ministers to see justice and fair play given on all occasions.

I avail myself, etc.,

H. R. NEWBERRY.

Mr. Blaine to Mr. Grubb.

No. 7.] DEPARTMENT OF STATE,
Washington, December 10, 1890.

SIR: I have received Mr. Newberry's dispatch No. 205, of the 26th ultimo, containing a résumé of his correspondence with the Spanish Government, concerning the late disturbances at Ponape, Caroline Islands, recently the subject of instructions to Mr. Newberry.

Awaiting the receipt of the reply of the Duke of Tetuan,

I am, etc.,

JAMES G. BLAINE.

Mr. Newberry to Mr. Blaine.

No. 214.] LEGATION OF THE UNITED STATES,
Madrid, December 13, 1890. (Received December 30.)

SIR: I received this morning a note from the minister for foreign affairs, a copy and translation of which is inclosed, also copy of my reply, which refers to the late occupation of missionary property by the Spaniards at Ponape. This note is in answer to mine of November 26, to the said minister, copy of which I inclosed to the Department in my No. 205, of November 26. As Minister Grubb arrives to-morrow, I will lay the facts and correspondence before him as soon as convenient.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 214.—Translation.]

The Duke of Tetuan to Mr. Newberry.

MINISTRY OF STATE,
Palace, Madrid, December 8, 1890.

MY DEAR SIR: I have received your note dated November 26th ultimo, in which you request, in the name of your Government, the prompt settlement of the difficulties arisen in the Caroline Islands, in consequence of measures taken by Spanish officers, consisting in the occupation of American property without carrying out, as was the case at Kenan, the agreement entered upon to pay as a compensation a specified sum.

I would have answered at once to the contents of said note, but as no data exist in this ministry enabling me to do it, I have asked for them to my colleague, the minister of ultramar (colonies), urging upon him that if the necessary particulars have not yet been received to thoroughly appreciate the facts which have occasioned the complaints which, in the name of your Government, you have set forth, to recommend with a special interest to the Spanish authorities its prompt expedition.

Her Majesty's Government, on taking a decision in this matter, will be inspired in the same feelings of rectitude and justice which prompt all its actions.

I avail myself, etc.,

THE DUKE OF TETUAN.

[Inclosure 2 in No. 214.]

Mr. Newberry to the Duke of Tetuan.

LEGATION OF THE UNITED STATES,
Madrid, December 13, 1890.

EXCELLENCY: I beg to acknowledge receipt of your excellency's note of December 8, and have had the honor of transmitting a copy of same to my Government. I sincerely trust that your excellency will see the necessity of a prompt adjustment of this difficulty, and I await with patience the decision of your excellency's Government in regard to this and the Kenan affair, on receipt of which I shall have the honor of informing the State Department at Washington.

I avail myself, etc.,

H. R. NEWBERRY.

Mr. Wharton to Mr. Newberry.

No. 135.] DEPARTMENT OF STATE,
Washington, October 6, 1891.

SIR: I inclose for your information a copy of a report made to the Navy Department by Rear Admiral Belknap, commanding the Asiatic Station, in relation to the recent troubles in the Caroline Islands. This report bears date the 12th of December last, and incloses two reports

from Commander H. C. Taylor, of the U. S. S. *Alliance*, who was sent to the islands to make an investigation and to render such assistance to the American citizens there resident as they might be found to require. The first of Commander Taylor's report is dated at Ponape, October 31, 1890; the second at Nagasaki, Japan, December 4, 1890, after his return from the islands.

With these reports I also inclose a copy of a letter, of the 8th January last, from the Rev. Judson Smith, foreign secretary of the American Board of Commissioners for Foreign Missions, inclosing statements as to recent events in the Carolines from the missionaries connected with that board.

I regret to say that this is the second time that the Government of the United States has been compelled to consider the disturbance and the infringement of the rights and privileges of its citizens in the Caroline Islands in the brief period since the Spanish Government assumed the duty of establishing a government there in the year 1886. On the 16th of February, 1886, Mr. Valera, then Spanish minister at this capital, communicated to this Department a copy of the Official Gazette, of Madrid, containing the text of a protocol concluded between Spain and Germany by the mediation of His Holiness the Pope Leo XIII, for the recognition of Spain's sovereignty over the Caroline and Pelew Islands. Acknowledging the receipt of this communication on March 2, 1886, the Secretary of State said:

> As your Government is aware, the citizens of the United States have been actively engaged in disseminating information among the inhabitants of that quarter, with a view to their prosperity, and it is not presumed that their treatment under the rule of Spain, which this arrangement recognizes and confirms as between Germany and Spain, and which has never been contested by the United States, will be any less favorable than that of Germans or other foreigners commorant therein.

To this note reply was made on the 4th of May, 1886, by Mr. Muruaga, Mr. Valera's successor, in a communication in which it was stated that Her Majesty, the Queen Regent, in conformity with the resolution of Her Ministers in Council, had directed this Government to be informed that the treatment which American citizens were to receive in the islands would not be less favorable than that accorded to Germans or other foreigners.

The rights of German subjects in the islands are defined in a protocol between Spain and Germany, signed at Rome December 17, 1885. I will not now enumerate the various privileges secured by them by that instrument. It suffices to say that they were guaranteed the fullest rights of person and property. "All their acquired rights," says that protocol, "shall be safeguarded."

The note of the Secretary of State of March 2, 1886, was not, however, the first, but the second official communication of the Government of the United States to the Government of Spain, which touched the interests of American citizens in the Caroline Islands. These interests were formally brought to the notice of the Spanish Government by the chargé d'affaires of the United States on the 22d of the preceding September, in pursuance of instructions of the 7th of that month. In the communication then made, the chargé d'affaires of the United States referred to the work which our missionaries had for many years been carrying on; to their efforts to Christianize and civilize the people; to the churches and schools they had founded at various points; and to the fact that they had rescued many native tribes from the state of barbarism in which they found them, and taught them to lead peaceable and orderly lives.

On the 15th of the ensuing month of October, the minister of state gave to our chargé d'affaires the amplest assurances that the American missionaries would not be molested. These assurances were repeated on March 12, 1886, when Mr. Valera transmitted to this Department a copy of a dispatch from his Government, in which, with reference to the representations made by the chargé d'affaires of the United States on September 22, 1885, there is the following passage:

> The minister of state, on the 15th of October following, informed the United States legation that nothing was farther from the intention of the Spanish Government than to seek to hamper or embarrass in the slightest degree the work of Christianizing and teaching, to which the chargé d'affaires had referred; it being determined, on the contrary, to favor and promote such beneficient results to the extent of its ability. The minister added, in conclusion, that he had performed a pleasing duty in making that satisfactory and affirmative reply to all the points contained in the note of the United States legation, in order that through it that reply might be brought to the notice of the Government of the Union. I have consequently thought proper to transmit the aforesaid notes to the minister of the colonies, and I do so this day, to the end that he may consider them at the present time, when he is engaged in reorganizing the government of these islands.

Notwithstanding these explicit assurances, the course of the Spanish officials from the moment they assumed the government of the islands, has been characterized by the acts of unfriendliness and persecution towards the American missionaries. At the outset they closed all the schools but one. One of the missionaries was forbidden to preach. Services at some of the churches were suppressed and lands granted to the missions years before, by native chiefs, were encroached upon and seized. These facts were communicated to the Spanish Government by the chargé d'affaires of United States under instructions of this Department on September 17, 1887. As stated in that note, the hostile acts of the Spanish authorities culminated in the arrest of Mr. E. T. Doane, a venerable American missionary of almost seventy years of age, who had devoted his life to the instruction and enlightenment of the natives of the islands. The ostensible reason for his arrest was a letter addressed by him to the governor protesting against the seizure of certain lands belonging to the mission. This protest was not made until entreaty and appeal had failed, but as he made use of the term "arbitrary," to describe the conduct of the officials, the governor, on the 14th of April 1887, issued an order for his arrest, and he was seized and taken on board the spanish steamer *Manila* and was kept three days in solitary confinement, when he was sentenced by the governor to fifteen day's imprisonment for writing the protest. After the expiration of that sentence he was still further detained until he was removed to the Spanish man-of-war, *Maria de Molina*, and on the 11th day of the following January was taken to Manila, where he was released.

When information was received of this outrage the Government of the United States informed the Government of Spain that, in its opinion, the treatment of Mr. Doane was harsh, unjust, ungenerous, and unjustifiable. It was a clear and complete violation by the subordinate officials of the Spanish Government of the satisfactory and explicit assurances which that Government had given that American citizens in the Caroline Islands should receive fair and just treatment. It was adding one wrong to another, in a manner especially injurious, since it treated a protest against wrong as a crime, and the injured party as a criminal because he protested. I am glad to say that the Spanish Government never undertook to defend the gross misconduct *of its officials*, but, on the contrary, endeavored in a measure to repair

the wrong that had been done by restoring Mr. Doane to the scene of his labors, and by repeating more than once the assurances that the missionaries would be permitted to freely continue their labors, and that their rights of property would be respected.

I have said that the Spanish Government endeavored "in a measure" to repair the wrong done, because, as stated in my No. 72, of March 13, 1890, the response of that Government upon the question of pecuniary indemnity was not regarded as satisfactory. The view taken by the Spanish Government was that our complaint should have been completely satisfied by the disapprobation of the conduct of the governor of the islands, and with Mr. Doane's restoration to his place or residence, and with the assurance given that the mission could continue its labors, and that all the property legally acquired by it should be respected.

In this relation I desire to direct your attention to Department's No. 72, of March 13, 1890, which, with reference to the above position, concludes as follows:

In reply to these observations it is proper to state that Mr. Doane's imprisonment involved not merely a question of personal dignity, but a deprivation of a substantial right, viz: That of personal liberty. It is admitted that the imprisonment and deportation of Mr. Doane were wholly unjustifiable. This being so, it necessarily follows that he was subjected to a wrong for which substantial reparation should be made. The disapprobation of the Spanish Government of the conduct of the Government, and the subsequent restoration of Mr. Doane to his place of residence, were acts due by that Government to its own sense of justice; but they offered no compensation to Mr. Doane for his loss of liberty, as the consequence of his unjust imprisonment.

The spirit of hostility exhibited by the subordinate officials of the Spanish Government towards the American citizens in 1887, has again been displayed in the recent occurrences. The last struggle between the natives and the Spaniards began on the 25th of June, 1890, when some natives who were engaged in constructing a chapel close against a chapel of the American missionaries turned on their Spanish guards and killed them. From this the conflict was rapidly developed, until it attained extensive proportions.

Into the details of this difficulty it is not the purpose of this Department to enter, although its information on the subject is complete and reliable. It is sufficient to say that the facts reported to the Department show that the conduct of the subordinate Spanish officials betrays a lack of regard for the susceptibilities of the natives, and a disposition to subjugate rather than to conciliate them. When the dispute arose with Germany in respect to the possession of the islands, Spain maintained no government there and could point to no act of modern date that could be considered as the basis of a claim of sovereignty. Her title was purely historical, based upon acts of ancient date, not followed by that actual exercise of control of which other governments may be expected to take notice. It may be true that the claim of Germany was inferior to that of Spain, since the former was not supported even by reminiscences of an historical character. But it is equally true that the natives did not recognize and had not felt the sovereign powers of these governments. The only foreign influence they had known was the quiet, peaceful, and beneficient effort of the American missionaries to educate and civilize them. To this influence they had shown themselves readily susceptible, and it is beyond question that they had become deeply attached to their benefactors. They were also content. They sought neither the protection nor the control of any foreign power; and it was not by reason of any solicitation on the part

of the natives that Germany and Spain disputed as to the right to govern them.

In view of these facts it was especially unfortunate that one of the first acts of the Spanish officials in enforcing their Government's claim to sovereignty of the islands was to oppress and harass, and finally to imprison and deport, a person whom the natives justly regarded as their friend, to whom they have been accustomed to look for instruction, and who happened at the same time to be a citizen of the United States. I refer to Mr. Doane, to whose harsh and unwarranted treatment I have already adverted. It may also be said that the ostensible cause of this ill-usage, the fact that he venturned to remonstrate against injustice, was as unfortunate as the manner of it, and gave good ground for the suspicion that the officials were seeking an excuse for his removal because the natives were attached to him.

During the recent disorders the same spirit of hostility towards the American residents has constantly been exhibited. When the contest began on the 25th of June both Mr. Rand and Mr. Doane, the principal missionaries, were absent from the islands, and two of our citizens, Miss Palmer and Miss Cole, were left in charge of the mission. That they had anything to do with the native uprising is inherently inconceivable, but it is also positively contradicted, not only by their own testimony, but by that of many of the natives, whose statements were obtained by Commander Taylor. Among these statements is one by a native named Edgar, a prisoner of the Spaniards for some months under charges of complicity in the attack of June 25, 1890, who declares that he had previously testified against the missionaries only when threatened with death by the Spanish authorities, if he did not so testify. In reality the uprising exposed not only them, but their pupils and their property, to great danger. Far from endeavoring to incite an armed conflict, it appears that they exerted themselves to pacify the natives and counseled them to avoid resistance to the Spanish rule. Their influence was observable upon those subject to their immediate control. When the attack occurred on June 25, Henry Naupie, a native teacher in charge of the training school connected with the American mission at Oua, who has been charged with hostility to the Spaniards, exposed himself to risk in an effort to save a Spanish soldier, and rescued Father Augustine and his assistant from the violence of the natives by secreting them in one of the American buildings.

Mr. Rand returned to Ponape on the 20th of August, 1890, and at once set about endeavoring to compose the difficulty with the natives under instructions of the Spanish governor, Cadarso. At the same time the governor assured Mr. Rand that the mission buildings at Oua would not be injured, unless the natives took refuge in them and had to be shelled out.

The governor and the natives, however, not being able to agree upon terms for the cessation of hostilities the conflict was renewed. On the 18th of September two Spanish men-of-war and two transports were anchored in Oua harbor and kept up an incessant shelling all that day and during the forenoon of Saturday, the 19th. Soon after noon of the latter day about 300 Spanish soldiers landed, and the natives, after a short resistance, fell back into the bush. After this the Spanish troops burned all the buildings belonging to the American mission, and then went back to their vessels. The evidence in the possession of the Department tends to show that this was a wanton act of destruction, and it is certain that no compensation has been offered to these American

citizens for their losses, nor has any satisfactory assurance been given that such compensation will be afforded.

On the 29th of September Miss Fletcher and Miss Palmer, two of the American missionaries, being desirous of leaving the islands were refused permission to do so, and were virtually held as prisoners for several days. On October 11 the governor forbade the missionaries to hold any meetings. Under these circumstances the missionaries, virtually being held as prisoners and being forbidden to hold any meetings, and their property having been destroyed and their lives put in jeopardy, Commander Taylor advised them to leave Ponape for the time being. On the 4th of November Commander Taylor took them on board of the *Alliance*, and on November 5 landed them on the island of Kusaie.

It thus appears that these American citizens, after having their property destroyed, have virtually been banished from Ponape, chiefly for the reason that, because of their long residence and humane and beneficent conduct there, they have won the attachment of the natives.

From all the Department can learn the present governor, Cadarso, has been much more favorably and justly disposed, both towards the American residents and the natives, than was his predecessor. At the same time the Department is forced to believe that this disposition has not been reflected by his subordinates, and that his mind has been prejudiced against the Americans by those by whom he is surrounded; and in his correspondence with Commander Taylor he displays a spirit of suspicion and enmity towards the American missionaries not in harmony with the assurances heretofore given by his Government.

The Government of the United States, it is proper to say, can take no cognizance of the relations of these missionaries to any sect or church. On the other hand, it has felt a deep interest in their efforts to ameliorate and improve the condition of the natives, and in this interest it has been assured of the sympathy of the Spanish Government. But it can not be forgotten that apart from their associations, and apart from the character of the work in which they are engaged these missionaries are citizens of the United States and entitled to the intervention of this Government for the protection of their persons and their property.

For this reason I can not disguise the grave concern that is felt by this Government, not only at the hostile spirit displayed towards them by the subordinate Spanish officials, but also at the hostile and injurious acts which these officials have committed.

As the Government, prior to the taking possession of these islands by Spain, received most explicit assurances of protection to the persons and property and pursuits of the American citizens in these islands, it can hardly be expected to acquiesce in their being deprived of all these rights and banished from these islands, even if that measure should be deemed by the Spanish officials to be conducive to the complete establishment of their control. The Department has no reason whatever to suppose that such a measure is essential or even expedient for the purpose of subjugating the natives; but, whatever may be the view that those officials take of the matter, this Government can not assent to such a proposition.

You will find in the papers accompanying these instructions a statement of the loss incurred by the missionaries in the destruction of their property at Oua. The amount of this loss is not inconsiderable. The Department is also informed that the Spanish officials have shown discrimination in refusing to recognize the title of our citizens to certain

lands which they had derived from the native chiefs. As has already been observed, the expectations of this Government in respect to reparation in the case of Mr. Doane have not been recognized. In all these matters the Government of the United States confidently relies upon the disposition of Spain to make good the losses which have been occasioned by the acts of her subordinate officials in derogation of her engagements to this Government. It is also expected that the Spanish Government, with that high sense of honor for which it is distinguished, will see the propriety of restoring these American citizens without delay to the places of their former abode and of securing to them the exercise of the privileges and pursuits which they enjoyed before the first interruption by the high-handed misconduct of the first Spanish governor, which the Spanish Government has disavowed and condemned.

You are instructed to bring this subject instantly to the attention of the Spanish Government, in the sense of these instructions, and to express the gravity of the situation created by the ruthless disregard of the rights of our citizens.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure 1 in No. 135.]

Rear-Admiral Belknap to Mr. Tracy.

No. 101.] ASIATIC STATION,
OFFICE OF THE COMMANDER-IN-CHIEF, FLAGSHIP OMAHA,
Yokohama, Japan, December 12, 1890.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.:

SIR: Referring to my 58 of the 12th September last, I have the honor to report that on the 4th instant Commander Taylor of the *Alliance* cabled his arrival at Nagasaki from his visit to the Caroline Islands, and, on the same date, I received his No. 30 of the 31st October, sent by a schooner, giving the first intimation of the condition of affairs as he found them upon arrival at Ponape, the capital of the group.

Yesterday afternoon his fuller dispatches and papers were received, which are herewith forwarded to the Department, together with the report received per schooner and a copy of my instructions to him prior to his departure for the islands.

An examination of all the papers submitted discloses the fact that, upon his arrival at Ponape, Commander Taylor found a serious state of affairs existing there, the natives being in armed rebellion against the Spanish authorities and the island under the rigid rule of martial law, that lands which the native chiefs had long ago deeded to the American missionaries had been seized and appropriated to their own use by the Spanish officials, the mission church and the dwellings of the American missionaries at Port Oa, at the northeastern part of the island, burned and the personal property of the missionaries destroyed on the ground of military necessity.

In their operations against the insurgent islanders the Spaniards lost heavily, and Governor Cadarso and his officers, conceiving the idea that the missionaries were not only inciting the natives against Spanish rule, but had suggested to them stragetic plans which had been readily adopted, the governor forbade them to hold any more meetings with the natives and suppressed their church and school work altogether.

The governor had also, on October 4, refused the request made by two of the mission ladies, Miss Fletcher and Miss Palmer, to leave the island in a schooner which the missionaries had built for their own purposes.

After a full and thorough investigation of the situation in all its facts and bearings, repeated conferences and some correspondence with the governor, and talks with missionaries and others, Commander Taylor concluded that, if the missionaries who had been burned out of house and home and had been inhibited from doing any more Christian work at Ponape, for the time being, would remove to a neighboring island and reëstablish themselves there until tranquility could be restored at their former home, it would be best for all concerned.

The missionaries in question adopted his suggestion, and the governor permitted

three native followers and a school of seventeen young native girls to accompany Mr. Rand, Miss Palmer, Mrs. Cole, and Miss Fletcher to Strongs Island, known on the chart as Kusaie or Ualan Island, some 300 miles east by south from Ponape.

This party embarked on board the *Alliance* from Ronkite Harbor on the 2d of November, and were landed by Commander Taylor at Charbrol Harbor, Kusaie Island, on the afternoon of the 5th of November.

Commander Taylor describes the island as a comfortable and convenient point for the missionaries to await fuller developments. It is, in fact, a center for mission work in the Marshall and Gilbert groups, and has a small settlement of missionaries already established there. The natives are Christians, and are well disposed towards American missionaries.

The population is about 300, while the productive capacity of the island would support several thousand. Supplies are therefore plentiful, and the missionaries landed there can remain in safety and with some degree of comfort.

Commander Taylor remained at Kusaie until the 10th of November, at which date he weighed anchor and sailed for Nagasaki.

At the time of his departure the three lady missionaries and their school of seventeen girls, were occupying some houses which, after some repairs, would accommodate them temporarily. Mr. Rand and one follower had gone around the island to a missionary settlement on the west side.

I beg to express the opinion that Commander Taylor acted with good judgment and sound discretion throughout the entire affair.

The missionaries whose position and lives had been jeoparded by the acts and state of war at Ponape are now at another good station for mission work and out of harm's way for the time being.

The copies of Commander Taylor's full and exhaustive reports and papers, herewith transmitted, will enable the Department to lay before the honorable Secretary of State sufficient information upon which to base demands on the Spanish Government for redress of the grievances and sufferings of the missionaries, and for indemnity for lands seized, churches and dwellings burned, and property destroyed; also for the return of the missionaries to Ponape when peace has been restored there.

It will be noted that Governor Cadarso, in his correspondence, styles the American missionaries as Methodists. In view of such designation, I have to express my regret that Commander Taylor did not remind him, in a diplomatic way, that the missionaries were American citizens, engaged in the Christianization of the island, and whether they were Methodists, Presbyterians, Episcopalians, Roman Catholics, or of any other Christian sect or church was of no possible concern to him as governor of the island, and his bounden duty to recognize their rights and privileges as guaranteed by his Government to the Government of the United States.

I have the honor to be, very respectfully, your obedient servant,

GEORGE E. BELKNAP,
Rear-Admiral, U. S. Navy.

[Inclosure 1 in inclosure 1 in No. 135.]

Rear-Admiral Belknap to Commander Taylor.

FLAGSHIP OMAHA,
Yokohama, Japan, September 22, 1890.

Commander H. C. TAYLOR, *U. S. Navy,*
Commanding U. S. S. Alliance, Yokohama, Japan:

SIR: Recent advices from the Caroline Islands indicate that serious troubles have recently arisen at Ponape, of that group, between the natives and the Spanish authorities, and that in consequence thereof the American residents there are much alarmed as to their personal safety and property. As soon, therefore, as the ship under your command is ready for sea you will proceed to Ponape, and upon arrival there thoroughly inform yourself upon the situation and take such steps within the purview of international law as you may deem necessary for the protection and reassurance of our countrymen there.

When, after arbitration in 1866, the rights of sovereignty to the Caroline Islands were decided to be vested in the Government of Spain and so recognized by the great powers, the Spanish Government guaranteed full protection to all American citizens residing on or doing business at the islands. It is to be hoped, therefore, that you will find all the differences between the Spanish authorities and the natives satisfactorily adjusted, and that ample protection has been afforded the lives and property of all American residents there.

Should such be the happy state of affairs existing on your arrival, the moral effect

of your visit will nevertheless not go unheeded by any of the parties concerned. It will assure the American residents of a protection at hand whenever their needs urgently demand it, and indicate to the Spanish authorities as well as the islanders that the Government of the United States stands behind its citizens wherever they may be.

Unless, in your judgment, governed by the outlook on the spot, a longer stay than a fortnight appears necessary for the conservation of American interests at Ponape, you will at the end of such stay make the best of your way to Nagasaki, and upon arrival there communicate with me both by mail and telegraph.

During your stay at Ponape you will please gather as much information as possible concerning the general status of affairs there and embody the result in your report.

I hardly need add that in your intercourse with the Spanish officials you are expected to cultivate the most courteous and friendly relations with them, both socially and officially.

I inclose for your information several papers bearing more or less upon the object of your visit to the islands; and having full faith in your sound judgment, wise discretion, and thorough appreciation of all matters intrusted to you for investigation or action, I am,

Very respectfully, your obedient servant,

GEO. E. BELKNAP,
Rear-Admiral, U. S. Navy.

[Inclosure 2 in inclosure 1 in No. 135.]

Commander Taylor to Rear-Admiral Belknap.

No. 30.] U. S. S. ALLIANCE, 3D RATE,
Ponape Islands, Jamestown Harbor, October 21, 1890.

SIR: I respectfully report that I arrived here October 15, twenty days from Yokohama, using most of my coal on the passage, and having to use more here, where the anchorage is not a secure one. I have obtained 50 tons from the Spanish Government here.

I found the situation here unsatisfactory. The rebellion still continued. The Spanish landing at Oa in September, where was the principal American mission, 6 miles from here, to punish the natives for their rising in June last, lost heavily among their soldiers and officers, the colonel commanding the troops being among the killed.

The feeling among the Spanish has been, and continues to be, very bitter against the American missionaries, who are accused of inciting the natives to rebellion. I have made thorough investigation and find every reason to believe them innocent of this. It appears, however, that the Spaniards believe that the presence of these missionaries, without any overt act, keeps the rebel tribes in arms, and as the war still continues, with the disorders naturally accompanying it, I have advised the missionaries to withdraw until order is established.

Gov. Cadarso and his officers of the Spanish army and navy would, whenever possible, protect these missionaries from any violence from the Spanish soldiery, but in the heat of a campaign they might not find this possible, as the soldiers, incensed over their losses, have already burned the mission church and houses in Oa (after their attack in September).

The proper demands for explanation and reparation have been made by me, and official letters of some length have passed between the governor and myself.

Time does not serve to go into details, as an opportunity offered suddenly to send mail by a schooner, and it is probable that the *Alliance* will arrive in Japan before the schooner; but I will state that the governor will receive all claims for damages from the missionaries that I may approve, and regrets the destruction of their property, stating that it was a military necessity.

He declares that to assure them the protection that I demand it will be necessary for them to come and live near his headquarters here at Jamestown Harbor, and he declines to withdraw his order forbidding them to have meetings with the natives (which stops all church and school work) until tranquillity is restored in the island. I believe it will be some years before this occurs, and I have informed the governor in consequence that I would advise the missionaries to withdraw, and would offer them a passage in this ship to another island. The governor has not replied, but will, I believe, consent to do this. The missionaries will also, I think, follow my advice, and if nothing occurs to change my present plans I expect to go hence on the 4th November to Roukiti, on the south side of Ponape, where the missionaries have been since leaving Oa, take them and their followers to Ualon (Strong's Island), 300

miles to the east-southeast, land them, and proceed 400 miles east to Jaluit, in the Marshall group, coal, and return to Nagasaki.

The American missionaries are the following: Mr. Rand, Miss Palmer, Miss Fletcher, and Mrs. Cole. Their followers number about twenty-five.

Relations of the most cordial nature have been preserved with the Spanish authorities throughout these serious official discussions.

There are four Spanish men-of-war here and about eight hundred troops.

Very respectfully, your obedient servant,

H. C. TAYLOR,
Commander, U. S. Navy, Commanding.

Rear-Admiral G. E. BELKNAP, *U. S. Navy,*
Commanding U. S. Naval Force, Asiatic Station, Yokohama, Japan.

U. S. FLAGSHIP OMAHA,
Yokohama, Japan, December 6, 1890.

Respectfully forwarded.

GEO. E. BELKNAP,
Rear-Admiral, Commanding Asiatic Station.

[Inclosure 3 in inclosure 1 in No. 135.]

Commander Taylor to Rear-Admiral Belknap.

U. S. S. ALLIANCE, THIRD RATE,
Nagasaki, Japan, December 4, 1890.

SIR: I respectfully report the operations of this vessel during her voyage to the Caroline Islands, in pursuance of your order of September 22, 1890.

This report, referred to in letter of inclosure as No. 1, contains hydrographic and navigation information, and a general description of the cruise.

Leaving Yokohama by your orders September 25, we soon encountered winds from northward and eastward, and, taking them on port tack under sail, headed to southward and eastward, until the wind, after several days, hauled ahead and fell light, when we made a stretch to the eastward, with wind in southeast quarter, under steam and fore and aft sail, until wind went back to northward and eastward, when we again stood to southward finding light breezes from eastward, until near Ponape.

I respectfully refer to accompanying tracing of our track, which may be of use or interest to other vessels making the same passage, and which will show plainly the route followed and weather encountered.

While making our stretch to the eastward we passed near Marcus (or Weeks) Island, and, having sighted it, approached it on its northern side and examined it closely as we passed. This island has no inhabitants and is not claimed by any power. Its position, as determined by us without landing, was 24° 13′ north, 154° 02′ west, which determination agrees closely with that of the *Tuscarora*, Commander Belknap, but it is given on the chart 10 miles too far north. This error is a dangerous one, and should be corrected at once. Details of this and of other facts noted herein will be found in the navigator's note book forwarded with this report.

To make certain of not being driven to leeward and thus being delayed perhaps months in reaching Ponape, I found it necessary to burn much of my coal, and thus arrived off the island with but 40 tons remaining of the 180 we started with. I was able to obtain, by the kindness of the Spanish governor at Ponape, 50 tons, price not known, to be paid for in Manila to the Spanish authorities there.

No pilot came off, though we hove to outside the reef and made signal. This proved to be an accidental occurrence and a pilot may usually be counted upon.

I finally entered by conning the ship from aloft, and anchored in 38 fathoms, coral bottom.

The Spanish vessels were anchored farther in, under Langa Island. On the 17th October, the ship beginning to drag, the other, (starboard) bower anchor was let go. By the breaking of the berth-deck compressor, control of the chain was lost and the heavy planking and wood work of the chain locker being weak and rotten was torn out by the jerk, and the end of the chain went overboard, slightly injuring one man, who has since recovered. The report of a board (ordered by me to investigate this loss), accompanied with ranges to locate the anchor's position, is inclosed and marked Appendix I.

The Alliance's berth was a safe one except in winter season, when the northeast trades blow fresh, at which time the lee side of Langa Island should be sought. This harbor, though it affords a tolerable shelter, if constant care is exercised, is not recommended as a secure and comfortable anchorage.

We were received with cordiality by Governor Cadarso and by the officers of the Spanish army and navy. After the usual courtesies and visits had been exchanged in the first few days, the governor and family and a number of Spanish officers visited the ship in the evening and were entertained by us; following which we were invited to a banquet given by them at the Government House, at which the President and yourself were toasted by the governor, and most cordial and amicable sentiments expressed by all. I thanked the governor in your name and then proposed the health of the Queen Regent and Governor Cadarso.

The affairs of the American missionaries having been arranged, and having decided to remove them, with their consent, from Ponape to Kusaie (Ualon or Strong Island), and having taken aboard the 50 tons of coal permitted by the governor, and completed the unavailing search for our anchor and chain, I weighed November 3 and stood out to Jamestown Harbor, and, passing around to the westward, anchored in the outer harbor of Roukiti, in the southwest portion of the island.

The objections to this harbor are similar to those at Jamestown—40 fathoms depths to anchor in and a space too confined to veer more than 75 fathoms of chain. Except in southerly winds, however, I regard it as fairly secure. The inner harbor at Roukiti I would recommend to any vessel that has to remain long at Ponape, as a secure and compete shelter in all seasons. The entrance to the inner harbor is narrow and will be difficult for large vessels.

Having taken aboard the missionaries and their followers and baggage, we sailed from Roukiti at daylight November 4 and steered for Kusaie. Passing Mokie Island in the night without seeing it, we were off Pingelap Island, a low wooded island, at 9 a. m., November 5. At noon, when the tops of the trees were about to disappear below the horizon astern, we sighted a native canoe with several men in her making signs of distress. We found them to be Pingelap natives who, having lost sight of their island while fishing at night, had been adrift for ten days. We gave them food and fresh water, and then bringing their head man on deck, showed him his island, which was just below their horizon from the canoe. They then paddled off apparently reassured.

Arriving off Charbrol Harbor, Kusaie Island, noon, November 6, we found an American schooner which had just left her port. She was *Ebon*, of Jaluts, Capt. Cameron, and was on her way to Ponape, to recover articles from the wreck of an English yacht, the *Nyanza*, lost on the reef there some months ago. It appears that two Englishmen, names unknown, had given to a Mr. Turner, an American, the contract to recover articles from this wreck, and Mr. Turner had chartered this schooner in Jaluts for the purpose and had sailed from Jaluts with all the parties concerned aboard. Ensign Drake, who boarded her outside the harbor, reported to me that there was general dissatisfaction on board and considerable drinking and disorder. There seemed, however, after examination, to be not sufficient cause to justify my interference, and the schooner proceeded on her way.

In conning ship from aloft into this anchorage, I had the assistance of the native king, who is a good pilot. The chart is so erroneous as to be in some contingencies dangerous to vessels attempting the entrance. We anchored inside, close under Lele Island, and disembarked our passengers. The three lady missionaries and their school of seventeen native girls occupied some houses which, after some repairs, will accommodate them temporarily. The missionary, Mr. Rand, and one follower went around the island to a missionary settlement on the west side.

We had encountered light easterly winds from Ponape to Kusaie, but being assured that winds would soon make from the westward, I determined to remain a few days at Kusaie, to await this change, in order to make a fair wind to Jaulits Island in the Marshall Group, where I hoped to obtain some coal. I remained there until the following Monday, November 10, and occupied Thursday, Friday, and Saturday surveying the harbor, and in small-arm and revolver practice at targets placed on the reef. An effort to place a great gun target was unsuccessful, owing to the heavy swell against the reef and in the entrance.

I respectfully refer to the appended reports of the practice, and to the sheet also appended on which is plotted our survey work. I regard this harbor as of much importance. It may be considered, with good ground tackle, as a secure anchorage in all weathers. It is a locality rarely visited by violent storms, and the harbor is comfortable and convenient at all times. Supplies can be obtained in small quantities at all times, and in larger amounts by giving some notice in advance.

The position of this island, also, with reference to the future lines of trade across the Pacific, coupled with its possession of this good harbor, mark it for probable selection as a coaling port in the near future. For these reasons it seemed important not to permit the very incorrect chart of the harbor to go longer uncorrected, and the sheet I now submit, though not a complete "survey," for which two more days work would have been needed, is a careful "hydrographic examination" by which the hydrographic office can correct the present chart or issue a new one.

This work was performed by Lieut. Wood, Ensigns Drake and Washington, with skill and intelligence; while the target practice went on under charge of the executive officer, Lieut. Comly and the officers of the two gun divisions, Lieut. Henderson and Ensign Marsh, who gave it their faithful and efficient attention.

On Monday, November 10, finding the wind still from eastward, with no sign of a change, I weighed and shaped my course for Nagasaki. During the first week the breeze hauled gradually into the north and fell light. On November 13 we passed along Aricepos Island and reef, on its south side. Its position, as fixed by our observations, is 10 miles to westward of the position as shown by the chart. This and the other positions will be finally reported upon, when the navigator, Lieut. Wood, has established the chronometer errors and notes by observations made since our return to Japan.

Our route and weather from Kusaie to Japan are shown on the tracing before referred to.

The principal dates of the cruise are given below.

Since leaving Yokohama we have sailed 3,726 miles and steamed, with or without sail, 1,883.2 miles.

The health of the crew and officers continues good.

The condition of the vessel and the efficiency of her crew are satisfactory, the exercises having been thoroughly attended to under Lieut. Comly's supervision.

Hoping that the *Alliance's* work during this voyage will meet with your approval, I am, admiral,

Very respectfully, your obedient servant,

H. C. TAYLOR,
Commander, U. S. Navy.

Rear-Admiral GEO. C. BELKNAP, U. S. Navy,
Commanding United States Naval Force,
Asiatic Station, Yokohama, Japan.

Principal dates of the cruise.

September 25, 1890. Left Yokohama.

October 4. Passed Marcus (or Weeks) Islands.

October 15. Arrived at Ponape. Exchanged courtesies with Spanish war ship *Vilasco.* Governor's secretary comes aboard. Commander pays official visit to governor and commander of *Vilasco.*

October 17. Governor pays official visit to ship and is shown around it. Missionary Rand comes from other side of island. Lost starboard bower anchor and chain.

October 20. Transport *La Manilla,* comes in harbor.

October 21. Governor, commander of *Vilasco,* several officers come aboard and are entertained by captain and officers.

October 23. Commander Taylor sends first letter to governor. Coal ship from *La Manilla.* Spanish war ship *Ulloa* comes into harbor from shelling rebels at Mettalamin.

October 25. Lieut. Wood makes trip to Kiti in steam cutter.

October 28. Banquet to officers of *Alliance* by governor and Spanish officers.

October 29. The *Vilasco* leaves harbor to continue shelling of rebels.

October 30. Commander Taylor sends his second letter to governor.

November 1. Governor sends second reply to Commander Taylor.

November 3. Governor and Spanish captain called to say farewell. *Alliance* leaves Jamestown harbor and arrives at Roukiti.

November 3. Missionaries and followers come aboard.

November 4. *Alliance* sails from Roukiti for Kusaie.

November 5. Provisioned and watered native boat's crew adrift off Pingelap Island.

November 6. American schooner met outside of Charbrol Harbor. Missionaries leave ship.

November 7. Target practice with small arms and survey of harbor, continued on 8th instant.

November 10. Warped ship to fire great guns, but surf overthrows target on reef. At 11:50 stand out of harbor for Nagasaki.

November 13. Pass Aricefos Island.

December 4. Arrived at Nagasaki, Japan.

[Inclosure 4 in inclosure 1 in No. 135.]

Commander Taylor to Rear-Admiral Belknap.

U. S. S. ALLIANCE—3D RATE,
At Sea, December 3, 1890.

SIR: Under your orders of September 22, to proceed to Ponape, and * * * under the purview of international law * * * to "protect and reassure" * * * I left Yokohama September 25, and arrived at Ponape October 10.

I found, upon my arrival, the island in a condition of active war. The native tribe, the Metalanims, who had risen and massacred the Spanish troops on June 25 last, had not yielded to the Spanish authority, but continued an armed rebellion.

The Spanish troops, reinforced with men and ships from Manilas, had assaulted in September the rebel position at Metalamin Harbor, and at the American missionary station at Oua. They had withdrawn their land force from Metalamin after some loss, including their colonel commanding in chief, and had, on September 20 carried the rebel position at Oua partially intrenched near the American mission there.

After driving the rebels from their position, the Spanish force soon returned to their ships, but before withdrawing they burned the mission church and dwellings of the American missionaries at Oua, the missionaries having previously withdrawn to Roukiti Harbor, in the southwest part of the island, and found shelter with friendly natives of the Kiti tribe, which had remained loyal to Spain.

About this time the governor, Señor Luis Cadarso, and all his officers and men began to exhibit a strong distrust and suspicion of the American missionaries. This feeling had existed for some time previously, especially since the native rising and killing of Spanish troops at Oa mission, but the feeling now began to find strong expression, and the missionaries were openly accused of inciting the natives to rebel and of being privy to the massacre and of aiding them with advice. Upon their withdrawal to Roukiti, the governor forbade them by order to hold any meetings with the natives, and their church and school work were thus entirely suppressed; while the request to leave the island in a schooner, made by two missionairies, Miss Fletcher and Miss Palmer, on October 4, was distinctly refused by the governor, who by this action definitely put them in the position of prisoners, for the time at least.

Meantime the Spanish, without landing any more men in the rebel country, continued to occupy the waters with their men-of-war and to shell the rebel villages and any places in the jungle and mountain which should show signs of occupation; while the natives, retiring from the immediate shore line to avoid the fire of the ships, remained near enough to prevent any attempt of the Spanish forces to effect a landing.

Such, in brief, was the situation of affairs when the *Alliance* arrived at Ponape and anchored on the 15th of October in Jamestown Harbor, where the governor's residence and headquarters are situated, at a settlement called Colonia.

In this harbor were the *Vilasco*, a Spanish corvette, and the *Molina*, a store ship. In the other harbors of the island were the *Ulloa*, corvette, and the *Manilla*, transport. Some troops were in barracks near the governor's headquarters at Colonia, a strong column of, perhaps, 300 men were in the southwest of the island, and a garrison of from 50 to 100 men were in a stockade camp in the southeast of the island.

I estimated the Spanish losses during the campaign to have amounted so far to about 40 killed and 60 wounded, and that their effective force, excluding this 100 men, to be about 700 men, of which number 200 would be provided from ships. The correct figures could not be obtained from the Spanish officials, and most estimates placed their effective force at 1,100 men. I believe this to be too great.

There are believed to be 5,000 natives in Ponape. Of these there are not more than 1,500 belonging to the Metalamim tribe, of whom not more than 300 are fighting men. The addition of individual allies from other tribes may make this latter figure 400.

It may be here mentioned that for nearly half a century the influence of American Protestant missionaries has been strong and without a competitor in Ponape. There has been a voluntary submission of the mass of the inhabitants to the missionaries' guidance and dominance in religion and education. The natives have, however, retained a complete independence of any political authority, being ruled only by their native kings and chiefs.

Spain, finding it necessary after difficulties with Germany to assert its sovereignty over the Caroline Islands, and having chosen Ponape as the seat of government for the Eastern Carolines, as Yap had been similarly selected for the Western Carolines, found, after occupation, that the natives did not submit willingly to Spanish rule nor to the Roman Catholic church, which, being their state religion, they naturally

desired to introduce at their seat of government. Their efforts in this direction resulted unfortunately in the massacre of a large force of soldiers and the subsequent assassination of Governor Passadillo in June, 1887; following which, they accused the American missionaries of influencing the natives' mind against Spain and its religion, imprisoned Mr. Doane, the senior missionary, and finally deported him to Manila for trial, whence he was returned with honor in a Spanish man-of-war.

While it could not, perhaps, be shown then or now that the American Protestant missionaries looked with pleasure upon the coming of the Spanish and of their religion to Ponape, it is nevertheless certain that in no way, by speech or action, did they then or at any time incite the natives, nor favor their rising, nor any of their acts of rebellion against the lawful authority of Spain.

The strong feeling on the part of the Spanish against the American missionaries has been somewhat checked during the last ten years by the moderate attitude of the governor, whose justice and kindness is attested by all classes of people on the island. The governor's attitude, however, since the rising and bloodshed of last June, has noticeably changed, influenced in part, it is believed, by his superiors in Manila, where the feeling against the American missionaries is stated by Consul Webb to be very strong.

The result of this change has been, as stated by the missionaries, that they have had to endure oppression and unjust treatment, as indicated in the body of this report.

The morning after our arrival, the usual formalities having been observed, I called upon the governor of the Eastern Carolines, who, beside his rank of governor, is a captain in the Spanish navy.

In a long interview of a friendly nature, Governor Cadarso expressed himself strongly against the attitude of the American missionaries in Ponape. He said that tribe in rebellion were the missionaries' best friends; that the massacre of Spanish troops on June 25 last, and the attempt to kill the Catholic priests at the same time, occurred at the American Methodist (meaning Protestant) mission, at Oua, in the Metalamin tribe; that the missionaries' most devoted followers among the chiefs were the leaders of the rebellion and massacre; that one of the missionaries knew of the intended uprising the day before it happened, and gave no warning; that at the assault upon Oua, in September, the Spanish troops found the rebels sheltered by entrenchments which must have been planned under the advice of missionaries, or of their native assistants, who had been to Europe and America; that the senior missionary, Mr. Rand, had, by the governor's permission, been living for several weeks at Oua before the assault of September, and had seen the natives entrenching themselves around the mission buildings, but had given no information to the Spanish authorities until closely questioned by the governor before the assault.

I replied that it was quite unlikely that the American missionaries were inciting or favoring disorder, for they well knew that a state of war in the island, or of any political disorder, at once put a stop to their work, both religious and educational, and this defeated all aims and purposes for which they came to the island, and for which they and their predecessors had labored earnestly for forty years.

I added that this fact alone made the charges so improbable that I would ask the governor to permit me to learn, more at leisure, the state of affairs in the island, from various sources, after which I could reply more intelligently to these grave accusations against American citizens living under his government.

The governor consented and offered his assistance in my investigations, and added that he had important deposition of natives which incriminated the missionaries.

From this time I was occupied in obtaining information from various quarters, Spanish officials, German residents, Americans other than missionaries, and natives of all tribes, except the rebel Metalamin, this tribe being in rebellion against the lawful rule of Spain. I directed the messengers whom I sent out to obtain depositions not to hold any communication with that tribe, and I declined to receive any messages from it, though efforts were secretly made by the Metalamin to open negotiations with me.

From the missionaries themselves I received much valuable information, and the statements of two of them, Mr. Rand and Miss Palmer, are appended. (See Appendix III.)

When the greater part of my messengers had returned from the tribes with the depositions of their chief men, and when I had obtained sufficient testimony from all concerned, to feel thoroughly informed, I addressed a letter to Governor Cadarso (Appendix I), in which I stated that Missionary Rand had been eighteen months absent in the United States, Missionary Doane (since dead in Honolulu), five months; only two ladies were present in the island of all connected with the American mission, and they had, as was well known, no influence whatever over the native; that shortly after Mr. Rand returned, two months after the rising of the natives, he and

the others of the mission received the governor's permission to retire from Oua, when hostilities were threatened, to Kiti tribe, who were loyal to Spain; that following this, when the Spanish troops had driven the rebels from their position at Oua, they had burned the American mission church and the missionaries' dwellings and had shown no regret nor offered them shelter or new houses. Following this, the governor had forbidden them to hold any meetings with the natives, thus stopping their church and school work.

I then asked the following questions: "First, as to the future condition of these American citizens; second, as to when your excellency contemplates assigning them a permanent place of residence under your protection, and, third, when may they recommence their mission work?"

While awaiting a reply to this letter, other messengers, who had been sent to more distant parts of the island, returned with many additional depositions, and completed the evidence of the innocence of the missionaries.

These depositions (Appendix VI) were in positive rebuttal of the evidence held by the governor, and one, from a native named Edgar, prisoner to the Spaniards for some months past, under charges of complicity in the Oua massacre of June 25, 1890, states positively that he had testified against the missionaries only when threatened with death by the Spanish authorities if he did not so testify. (Appendix VII.)

I had feared for a few days after my arrival that a military court might be ordered for the trial of the missionaries, in case further loss in the fighting then going on should increase the hostile sentiment toward them. In the heat of the moment, and with the island under martial law, I was anxious to avoid this contingency, or, failing this, to have such evidence to produce as would make it impossible to convict of any serious or capital offense. It was apparent to me when I sent the above letter to the governor that the depositions then in my hands secured the missionaries' position against any such contingency; and it is my belief that the governor, who was kept somewhat informed by his subordinates of the evidence flowing in to me, became also convinced at this time that a trial of the missionaries would be inexpedient.

In a letter received (See Appendix II) the governor answered the three questions of my official communication as follows: "* * * I believe it opportune to give to you the most complete assurance that the citizens of the United States will have all the rights which legitimately belong to them, and are the same as all the other citizens, German or foreigners. As to the second, I ought to explain to you that I do not find it inconvenient in any way, for my part, that these missionaries should establish themselves in the proximity of the colony, where they shall share every sort of consideration and the protection of my authority. Third, they will have complete liberty to hold meetings as soon as the exceptional state of war now existing shall cease."

Although I was for the moment no longer concerned for the personal safety of the missionaries if they remained in the island, still the tone of the governor's letter and the general attitude of the Spanish officials and troops toward them made it proper to consider whether, in the near future, the Spanish soldiers, when in the confusion of battle and exasperated at their losses, could be controlled by their officers, and whether they would limit their hostility, on a second occasion, to the burning of the missionaries' dwellings and churches.

As open war still continued in the island, with no prospects of its ceasing for many months, perhaps years, this contingency had to be considered. But in addition to this element of personal danger, the situation of these missionaries in Ponape appeared to me in some degree degrading; and without considering their sacred calling, which I sincerely respect, I regarded their voluntary continuance in that situation as unworthy of respectable citizens of the United States.

There are, I believe, many questions connected with their treatment lately by the Spanish authorities which can be satisfactorily discussed and settled only between the respective Governments at Washington and Madrid or between yourself and the governor-general at Manila; but, pending such settlement, I regarded it as wise and expedient that the missionaries should retire from the island to a convenient point in the neighborhood, where, without waiving any claim, or giving up any rights, they could await with dignity the pleasure of Spain in restoring them to their former duties and privileges in Ponape, and whence they could, with good reason, ask our own Government to give its attention to the treatment they had received.

I was convinced that you would wish further discussion of these matters referred to higher authority, provided that the present safety and comfort of these United States citizens could be certainly and properly secured. I, therefore, gave this advice to the missionaries, who, after deliberation, consented to leave the island, if permitted to take with them certain native followers, to whose protection they felt themselves pledged.

I then wrote to the governor (see Appendix IV) for his permission to carry out this plan; I waived further discussion of the case as useless, and announced the intended departure of the missionaries.

In reply to this second letter the governor sent a communication, (see Appendix V) consenting to the missionaries being accompanied by certain of their native followers.

My letters to the governor were in English, accompanied by French translations. His letters were in Spanish with French translations. In this correspondence I have been much assisted by Ensign Marsh's suggestions during the course of these discussions with the governor.

The missionaries had requested me to take them to Strongs Island, known on the charts as Kusaie (or Ualan) Island. Kusaie is the most eastern of the Carolines, lying about 300 miles to the east-southeast of Ponape.

Monday, November 2, I weighed and stood out of Jamestown Harbor and around the island to the harbor of Roukiti, on the southwest side, where I embarked Mr. Rand and the three followers and Miss Fletcher, Miss Palmer, Mrs. Cole, and a school of seventeen young native girls.

Sailing thence on the 3d of November and passing Pingelap Island on the 4th, I landed my passengers on the afternoon of the 5th of November at Charbrol Harbor, Kusaie Islands.

Of the other Americans on the island, Mr. Bowker was the most prominent. He is a carpenter and general mechanic by trade and is married to a native woman. He has good judgment, is very intelligent, and appears to be generally much esteemed. He is regarded with favor by the governor at present, having been instrumental in saving the lives of some of the Catholic priests during the massacre at Oua, on June 25. He stated that he needed no protection. Mr. Bowker was of much service during our stay in Ponape, collecting information and exhibiting much intelligence as to the questions at issue. Capt. Gifford, an American citizen, and representing an American business firm, asked for protection against the rebel tribes; also for a government rifle with ammunition to be given him. I advised him to remove to near the governor's headquarters at Jamestown Harbor, where the governor had engaged to protect all persons. I refused his request for a rifle and ammunition. The remainder of the Americans in the island were, for the most part, deserters from American whalers, living with native women and working for native chiefs. They needed no protection.

The island of Kusaie is a comfortable and convenient point for the missionaries to await further developments. It is a center for the mission work in the Marshall and Gilbert groups of islands, and has a small settlement of missionaries for those groups already in Kusaie. The natives are Christians and well disposed toward American missionaries. The number of the inhabitants is small, about three hundred, while the productive capacity of the islands would support several thousand, so that supplies are plentiful, and the missionaries can remain there in safety and not without a certain comfort.

Before closing this report I may properly note that the Spaniards are doubtless correct in believing that their task of subjugating the island has been made more difficult by the half century of teaching by American Protestant missionaries. It may be supposed that the ideas, religious and political, imbibed by the natives in long association with these missionaries, would not predispose them to ready submission to Spain and its religion. But no act unfriendly to Spain has been committed. During these fifty years the missionaries knew nothing of Spain coming to this little island in the middle of the Pacific.

An unfavorable state of affairs confronts the Spanish authorities, but no hostile action or attitude on the part of the American missionaries.

And this state of affairs was well known to Spain when, upon occupying the Carolinas, it announced to our Government that it would favor and foster the excellent work of the American missionaries.

It is, perhaps, natural that the Spaniards in Ponape during the past few months should feel incensed at the determined resistance of the rebel tribes and embittered by the loss of many friends and comrades. While feeling much sympathy with them, it is nevertheless plain to me that these facts do not justify them in unjust treatment of the United States citizens; nor is their bitterness, natural though it may be, sufficient reason for violating formal pledges made by Spain to our Government.

In view of the facts as herein related, I respectfully submit the suggestion, subject to your better judgment, that these matters be speedily referred to Washington for the consideration of our Government. Some notice should, I believe, be soon taken of the treatment which has caused the missionaries to feel that they must leave Ponape.

I respectfully refer to the various statements appended, which will throw more light upon the details of our visit to Ponape.

My work has been made easier for me by the effective seconding of the executive officer, Lieut. L. P. Comly, who, together with the other officers, has used every effort to promote cordial relations with the Spanish officials in the island, while at the same time rendering all assistance, respect, and sympathy to the missionaries in their misfortunes.

Thanking you, admiral, for the confidence you have reposed in my discretion and for the kind expressions contained in your letter of instruction,

I have the honor to be, sir, very respectfully, your obedient servant,

H. C. TAYLOR,
Commander U. S. Navy, Commanding.

Rear-Admiral GEORGE E. BELKNAP, U. S. Navy,
Commanding U. S. Naval Force on Asiatic Station, Flagship Omaha.

[Appendix 1.—Inclosure 5.]

List of appendices.

1. Copy of Commander Taylor's letter to governor.
2. Governor's reply to first letter.
3. Mr. Rand's and Miss Palmer's statements.
4. Commander Taylor's second letter to governor.
5. Governor's second reply.
6. Affidavits of natives *in re* missionaries.
7. Confidential letter of Edgar (native).
8. Copy of C. E. Bowker's statements.
9. List of scholars at mission school. Copies of transfers of children to school.
10. Mr. Rand's statement *in re* mission lands. Deed confirming land ceded to mission. Deed of land ceded to mission.
11. Estimated value of mission property at Oua. Proclamation of governor *in re* meetings and surrender of rebel chiefs, etc. Letter to Mr. Rand *in re* meetings.
12. Governor's letter to Miss Palmer asking her to go to government house. Same to same *in re* Catholic buildings at Oua. Clandestine overture to Commander Taylor by rebel chief.
13. Chronological table of events at Ponape. Map of Ponape Island.

[Appendix 1.]

Commander Taylor to Governor Cadarso.

U. S. S. ALLIANCE,
Jamestown Harbor, Ponape Island, October 23, 1890.

His Excellency Señor DON LUIS CADARSO,
Governor of the Eastern Carolines:

SIR: Upon the receipt of the news of the native rebellion of June 25, 1890, I was ordered to visit Ponape with the *Alliance*, under my command, to assure the Spanish authorities of my Government's sympathy and to offer any assistance which might be desired by the authorities with reference to the protection of Americans residing here.

In conversation with your excellency I understood that you attributed much of the present difficulty to the influence of the American missionaries, whom you believed to be hostile to the Spanish authority and religion. I have therefore delayed writing to you on this subject until I could thoroughly understand the matter; but I am now prepared to submit to you, very respectfully, a statement of the situation as it appears to me, and I beg your excellency to give it your kind attention.

When the outbreak of June 25 occurred Mr. Rand had been in the United States for eighteen months. Mr. Doane, since dead in Honolulu, had been absent five months. Two ladies were the only persons connected with the mission who were present.

These ladies possessed no influence with the natives who rebelled, and were careful not to interfere with any affairs outside of their mission work.

The rebellion occurred at Oua, where there had been for a long time a mission church and some houses of the American mission. Upon Mr. Rand's return to

Ponape, August 20, 1890, he obtained your permission to proceed to Oua, but later on, when a battle appeared probably at that point, everyone connected with the mission left Oua. I am informed that this was done by your excellency's advice. The missionaries then proceeded by your permission to Roukiti, and soon afterward your troops attacked Oua, and, after some fighting, set fire to and burned some or all of the houses there, including the mission church.

It is for your excellency and your officers to decide whether this destruction of their property was or was not a "military necessity," but I submit respectfully to your excellency's consideration that no movement has been made to provide new houses for these missionaries, nor has there been any proposal to indemnify these persons. They have for the present sought shelter with some friendly natives at Kiti.

After this, on the 11th of October, 1890, the missionaries were forbidden by your order to hold any meetings, and their church work and school work have been entirely stopped.

I will ask your kind permission to now recite some parts of the correspondence, which has lately passed between the governments of Madrid and Washington on this subject.

In a letter of May 4, 1886, to the Secretary of State, Mr. Bayard, Mr. Muruaga, Spanish minister to the United States, writes as follows: "Concerning the treatment which American citizens are to receive in the Caroline and Pelew Islands, her majesty, the Queen Regent, in conformity with the resolutions of her ministers in council, has been pleased to direct the undersigned to inform the honorable Secretary of State that the treatment which American citizens are to receive in those archipelagoes will not be less favorable than that accorded to Germans and other foreigners."

Also, from article 4 of Spain's treaty with Germany, as follows: "All their acquired rights (of property and land) shall be preserved."

"Also, from a note dated March 12, 1886, from Mr. Valera, Spanish minister at Washington, to the Secretary of State, Mr. Bayard, as follows: "The minister of state (of Spain) on the 15th October, 1885, informed the United States legation that 'nothing was further from the intention of the Spanish Government than to seek to hamper or embarrass in the slightest degree the work of christianizing and teaching, to which the charge d'affaires (for the United States) had referred; it being determined on the contrary to favor and promote such beneficent results to the extent of its ability.'"

The situation at present appears to me, therefore, as follows: A rising of the natives and consequent battles have occurred with which the American missionaries have had, I believe, nothing to do, but which they deeply regret, as it interferes with and perhaps destroys that religious and educational work to which they have devoted their lives. They have suffered loss of property and much discomfort and anxiety, nor are they assured against further loss by the Spanish authority.

I would, therefore, respectfully beg from your excellency, some information: First. As to the future condition of these American citizens. Second. As to when your excellency contemplates assigning them a permanent place of residence under your protection, and third, when they may recommence their mission work.

I beg to assure your excellency that these persons are prepared to follow any reasonable course you may direct, which shall convince you of their loyalty to yourself and the Spanish Government.

In closing this letter permit me to also thank your excellency for your kindness and courtesy to me, and which is highly appreciated.

I remain, with high respect, your excellency's obedient servant,

H. C. TAYLOR,
Commander U. S. Navy, Commanding U. S. S. Alliance.

[Appendix II.—Translation.]

Governor Cadarso to Commander Taylor.

JAMESTOWN HARBOR, *Ponapo, October, 1890.*

Commander H. C. TAYLOR, *U. S. Navy,*
Commanding U. S. S. Alliance:

I feel myself highly and satisfactorily impressed in the reading of the official letter which I have had the honor to receive from your hands referring to the unpleasant events of the 25th June. In reply thereto, you may believe that I shall try to respond to the nobility and disinterested propositions which are expressed in your letter before referred to.

I commence before all in declaring to you that in the name of my Government I congratulate myself and accept gratefully the generous sentiments of sympathy and assistance, made to my authority, of the fine vessel under your worthy command, in as much as may be necessary, and that I do not accept, relying on sufficient forces to suppress the rebellion already overpowered.

Although the presence of the *Alliance* has for its object also the protection of the interests of the citizens of the United States, I place myself unconditionally at your disposition to aid all whomsoever may merit such protection.

It has always been my motto, in the three years that I have governed this archipelago, to respect the rights of all, and to do justice in whatsoever disputes of greater or less degree they have become involved. And to give you the most complete surety of my assertion I appeal to the testimony of all the inhabitants of the island, whether or not they may be inclined to my authority in these moments, and I am sure they will confess always that the distinctive feature of my conduct has been at all times to please my subjects, and to make the dominion of Spain, as she has ever done, smooth and pleasant for the natives.

But as satisfied as I was for so long a period with all the natives of the island, it grieves me to say it, and I do so with concern, that the influence of the Methodist missionaries, I am convinced, in no way favored the interests of Spain, much needing, as you will understand, the support of all in the first years of her dominion. The Methodist missionaries, I repeat, have managed to make proselytes, setting aside everything else, to the end that the missions may exist; and it may not be said that the Government of Spain has not shown them the way to follow, for in all the acts of life it has reflected the disinterestedness of the mother country, and the marked material profit they have received from it. As well before as after our arrival, they had received a direct contribution paid by all the families of the island and by all those whom they had caused to embrace the Christian religion. This tax exists even in these days, and consists in the payment of 20 cocoanuts for each married couple and 5 for each child and adult baptized.

It is true that such contribution they are taught to say is for the all-powerful God, but in fact it would be more just that this real and effective tribute should be paid to the Spanish nation, which is making so many sacrifices to encourage and civilize these unfortunates, almost savage. For if they were not so, they would not comply with such a grudge of the unjust contribution which they pay, with so much more reason, as there exist in the island other worthy missionaries who teach a healthy morality and a form of the Christian religion which for these natives is exactly similar, without molesting in any way the meager rights of the natives.

I do not treat at this time of the accumulation of charges against the missionaries, Mr. Doane and Mr. Rand. It suffices to me that they call themselves American citizens, that I still hold, as I have always held, singular considerations for them. But their conduct previously and at present is so directly related to the rebellion at Oua that I see myself in the necessity of laying before you, with impartial truth, those acts by which I have received the impression of the American missionaries, just or unjust, and which I had the honor to express to you in our conference.

It is very usual to hear from the lips of foreigners, and of some of the natives, that Mr. Rand, especially before his voyage to America, preached in a sense little friendly to the Spanish. And I have here at present a person of sufficient importance in the country and who had always been attached to the missionaries, but who is at present without doubt out of their favor, who declares himself to be certain of this statement, adding also, himself, that in the meeting held in Oua since Mr. Rand's return from America the latter manifested to the rebels his marked disgust at the Government for considering the question of establishing there a detachment of troops, since Oua ought to be exclusively for the Christians, augmenting with such preachings the spirit of the rebellion.

In a recent visit that was made by a column of European and native troops to all the tribes of Kiti, the officer commanding informed me on his return of the magnificent reception given in all the villages en route where there were only natives, and of the marked coolness of the missionaries in Roukiti; and some of the natives of that tribe informed him that where there are the Methodist missionaries there will be the same estrangement. The American citizen, Mr. Gifford, who represents a respectable company of San Francisco, showed equally to the commanding officer of the *Ulloa* that he held the opinion that the rebellion in Oua had been organized exclusively by the Methodist teachers, and that in the dispatch which I have formed they are held responsible as principal authors. One such, Edgar, at present confined on board of the *Ulloa*, and Henry, who is of the best and most intimate to Mr. Rand. There is damaging circumstance by which it is proven that it was Henry who in Oua directed the building of the fortifications and animated the natives, leaving the place when Mr. Rand returned to Roukiti on the 9th of September, when he was protected by the latter, who must have known that Henry was a traitor to the Spanish Government. If you should find it convenient, talk to Mr. Warrhun,

a German, but very fond of America, and you will hear words very little favorable to the missionaries. He believes firmly that the exclusive influence of the already cited missionaries is highly prejudicial to the prestige and sovereignty of the Spanish Government. And if there may be necessary any other reasons than those already expressed, I will cite to you an act which, on the opinion of a good judge, as surely you are on the points of this peculiar nature, that will serve to note in such detail the true state of the country.

It is three years, as I have had the honor to say to you, that I have been the head of this Government, exercising at once the office of judge of the priary court of claims. All questions that have arisen on the ownership of land, of domestic troubles, of lawsuits of any importance, have always been in the tribe of Metalamin, in which the missionaries, and especially Mr. Doane, have appeared as intermediaries; I have been obliged many times to call his serious attention to this fact.

I pass now to the consideration of the other point dwelt upon in your very courteous communication. The bombardment of Oua was imperative necessity, for there, although in the presence of Mr. Rand, the natives fortified themselves strongly, and he only informed me when I asked him the extent of the earthworks. And although when I had given guarantees of safety to Mr. Rand and his missionaries in order that they might continue to inhabit the houses on their property, I saw they were endeavoring to defend themselves in so formidable a manner, and that the chiefs and Henry were so entirely influenced and controlled at all times by Mr. Rand, I explained to him that I could not insure him his houses in case the natives should take them as forts. So it was he proposed to me to establish himself in Roukiti, and I agreed to it.

At the attack on the natives, at Oua, they were intrenched in the forts and later in the church and houses of Mr. Rand, from whence they commenced to kill my troops. In such a critical situation the commanding officer, Señor Don Victor Diaz, was obliged to attack with all his column, producing the destruction which was a necessary consequence, and which I have much regretted.

But although this point is amicably discussed, I consider it opportune to explain to you what was the situation at Oua.

The aforesaid church was a small hall constructed by the natives, who always work gratis for the missionaries. In this class of buildings the roofs are of the leaves of the ivory plant, etc., from which you can judge of the importance of the said building or church. The houses of the missionaries were in equally bad condition, and the best of them, that occupied by Mr. Rand himself, cost in all $1,000. That of Mr. Doane, abandoned and old, and all in fact, had rendered their best service in this very moist climate. The remainder of the village was composed of the houses of many kanakas, all friends of the missionaries, which constituted them a sort of state in which was recognized no other authority than that of Mr. Doane. Such is the dominion which that missionary managed to hold over such simple-minded inhabitants.

This said, I have the pleasure to explain to you that it will be agreeable in so much as it depends on me to accept from the present moment the petition of indemnity which Mr. Rand may wish to send to the Government of Spain, and I trust blindly that you who have given me so many proofs of generosity will appreciate in its true value the material losses caused at Oua to said missionairies, and will appreciate further that the said houses have a distinct value when they are situated on points fortified or protected by regular troops, or when they are deliberately established in places inhabited by savages, for as such are to be classified the natives at Oua. This agreed, I place myself completely at your disposition and accept the indicated claim.

I pass now to the consideration of another point treated of in your respectable communication, to which I have the honor to reply. It is true that on October 11 I published a proclamation prohibiting all meetings, of whatsoever kind, and such disposition of things was founded on the previous circumstance that on the 12th of September I published another proclamation declaring the island to be under martial law. And you understand perfectly that in Spain at least, in declaring this unusual state of affairs, all constitutional guarantees are suspended and all meetings are prohibited in order to avoid a gathering of people and to avoid the formation of any forces of insurrection.

But just at this time the aspect borne by the natives, previously well inclined to our authority, changed, as I was informed since the installation of Mr. Rand at Roukiti, they becoming very cool in the observance of the law. Mr. Rand at his pleasure called together these natives in a feast and reunion which lasted nine days. I leave to your distinguished consideration whether or not the decree of the 11th of October was justifiable.

No one is more faithful in the fulfillment of a sacred promise than he who has the honor to address you; and so nothing should be lacking to the resolutions agreed

upon by the ministers of state of the United States and Spain by mutual accord and with much more reason when treating with a nation sincerely friendly.

Nevertheless I believe it opportune to give to you the most complete assurance that the citizens of the United States will have here all the rights which legitimately belong to them, and are the same as those of all other citizens, Germans or foreigners. I have thus answered the first question with which you close your very distinguished communication. As to the second, I ought to explain to you that I do not find it convenient in any way, for my part, that these missionaries should establish themselves in the proximity of the colony where they will share every sort of consideration and the protection of my authority. And as to the third, they will have complete liberty to hold meetings as soon as the exceptional state of war now existing shall cease.

In closing this official letter permit me to express to you my gratitude for the amiability, moderation, and exquisite tact with which you have conducted yourself towards my authority, and I shall never forget so notable a diplomat, so complete a gentleman, and so large a friend as you have been to me on this occasion.

With greatest respect and distinguished consideration, and always at your orders, your very faithful servant,

LUIS CADARSO.

[Appendix III.]

Mr. Rand to Commander Taylor.

ROUKITI, PONAPE, *October 19, 1890.*

Commander H. C. TAYLOR, *U. S. Navy, Alliance, Port Santiago, Ponape:*

HONORED SIR: To you, as a representative of our Government sent to look after the interests of her citizens in this island, I send a statement in regard to the position taken by the Ponape mission in the present trouble between the natives of the Metalamim tribe and the Spanish Government.

This trouble began at Oua, a village in the Metalamim tribe, June 25. You are aware of the fact that I was away from the island at that time. On my return, August 20, after a year and a half absence, I found our mission work in a sad state.

In order that you may have a clear understanding of the part taken by the mission, I will give you a short account of the trouble from the beginning.

About the middle of May the governor sent a garrison consisting of a lieutenant and thirty men to Oua (Oua for the last twenty-five years has been the principal station of the Ponape mission). They began their fort, barracks, church, and priest's house on the mission premises, notwithstanding a protest had been made by the mission before they began to build, and the governor had assured them that these buildings would not be built near the mission buildings, and that all the grounds we had under cultivation would be respected. The barracks and fort are about 20 rods from the mission church; their church and priest's house right in front of it, about 60 feet distant. As soon as Miss Palmer (the only missionary on the island at the time) heard that the buildings were to be so near to the church, she sent to the governor, asking if they could be moved farther from the church. He assured her he would have them removed, but the very next day she received a letter (copy inclosed, see Appendix XII) from him saying as there was no other healthy place at Oua for the priest's house, it and the church would be built on the site selected. In the early part of June, twenty more soldiers were added to the garrison at Oua. June 25 this garrison was attacked by a part of the Metalamim tribe, the lieutenant and many of his men being killed. About 9 a. m. a steam launch from the colony arrived towing three boats. Being fired into they returned to the colony. About 4 p. m. the steam launch appeared again, this time towing five boats filled with soldiers. Many of these got onto the flats and tried to land. Being repulsed, they embarked in their boats and returned to the colony, bearing some of their number dead on the flats. One or two natives were slightly wounded, none killed. Before dark the transport *Manilla* arrived from the colony. In trying to enter she grounded on the reef, remaining there four nights. The lives of two priests and five Manilla men were saved by Henry Hauper, one of our native teachers and senior deacon of the Oua church. The priests were hid in the girls' school building, the soldiers in Henry Hauper's house. They were put on board the *Manilla* the fourth night by Henry Hauper and Mr. Bowker. (Mr. Bowker is an American residing on the island since 1882.)

Among the many causes which led to this outbreak, I will mention two or three which, it seems to me, are the principal ones.

Ever since the Spanish took possession of Ponape their treatment of the natives *has been* such that it has prejudiced the natives against them, and has led all, both

Christians and non-Christian, to distrust them. The rash acts of the first governor, who took such harsh measures to make slaves and Catholics of the people, are widely known. It is also well known that that trouble was peacefully and satisfactorily settled in November, 1887, by the present governor. The justice and leniency which the governor showed the natives at that time led them to trust him, hoping he was going to give them religious freedom and their rights as Spanish subjects. In the main, the treatment of the natives by the present governor has been just, and has tended to draw the natives from the distrust of the Spanish Government, caused by the action of the first governor. The principal cause that has led to the Metalamim tribe to distrust the governor and believe that he was planning to destroy their church at Oua, and force them to give up their religion and accept that brought by the Spanish, is the fact that they believed the high-handed way in which the lieutenant in charge of the Spanish forces at Oua was trying to force them to give up their religion and accept that brought them by the priests was by his orders.

They believed the lieutenant was acting by orders of the governor because most of his threats were in regard to what the governor was going to do. The fact that the governor permitted the lieutenant to build their church and priest's house right up against the mission church was proof enough to the natives that he was carrying out the governor's orders.

They also believed that he would carry out all of these threats and many others. Believing all this, it was natural that some of the Christians should join with the hoodlum element of the tribe in their attack on the Spaniards. The brags and threats of the lieutenant aggravated this hoodlum element and made them anxious to give him a chance to prove his bravery. The leader of this element is the third chief in the tribe. He and his followers have been gradually slipping out from the control of the chiefs for two or three years.

The best Christians of the Oua church had nothing to do with this outbreak, but did all they could to prevent it.

The leader of the Christians engaged in it was from a village 7 or 8 miles from Oua. He and all the Christians with him, with one exception, were among the least faithful of our people.

On my arrival at Ponape, August 20, I went to the colony with the captain of our mission vessel (the *Morning Star*) to see the governor in regard to landing our effects at Oua, and to find out if our lives would be safe there.

The governor gave us permission to land our things by boat, but would not permit the *Morning Star* to go there.

He also said he could not promise us protection at Oua if there was war there, but he hoped with my help that the natives might be persuaded to accept his terms and avoid the punishment which would be meted out to them if they did not accept.

His terms were that all of the guns in the tribe were to be delivered to him; also the nine natives he considered leaders in the trouble at Oua. The alternative was that the whole tribe was to be exterminated and all their houses and cultivated land destroyed.

The next day I went to Oua with the governor's message.

The King and the leaders in the trouble refused to accept his terms. The King was not in the trouble July 25, but got himself into disfavor with the governor by not keeping his people from rebelling. From August 20 till September 3, I gave up my whole time in trying to persuade the King and the leaders to accept the governor's terms. During this time I went to Oua for the above purpose nine times and to the governor five.

On my second visit to him he told me I was not to have any meeting with the Metalamim tribes except to persuade them to accept his terms. At the same time he hinted that he might soon stop the meetings in all tribes. August 28, the governor gave me a letter to the King and leaders (copy inclosed. See Appendix XI). The governor assured me that if they accepted the terms of this letter, there should be no more bloodshed, and that none of those who came to him would be killed or sent to Manila.

I went to Oua, that same day. After working with the King and leaders four days, I succeeded in getting them to promise they would accept his terms, if he would promise that all who went to him would be returned the same day. Monday, September 1, went to see him if he would promise; met him on the wharf just ready to get into his boat to go on board the men-of-war that had just come to anchor. I gave him the message from the chiefs; he said they were to accept the terms given them but would not say any thing in regard to when those who came to him would return. The men-of-war brought 600 soldiers most of them Spaniards. These with the marines on the two vessels, and the marines and soldiers already here, make about a thousand fighting men. September 2 went to the governer to see if our lives would be safe at Oua if there was fighting there. He said he could not offer us protection anywhere except on board one of his vessels. But he assured me that the mission property would not be damaged by them unless the natives took refuge in

them and had to be shelled out. He also said that we might move our schools to Kiti, and that we would be safe there as long as that tribe kept out of the trouble.

After a careful consideration of the matter we decided that it was best for all of us to go on the *Star*, anchored at Port Santiago, about two miles from the Spanish men-of-war.

September 3 we went on board, expecting to remain three or four weeks, hoping the trouble would be settled in that time and we could return to Oua. Twenty girls went with us. Henry Hauper took the training-school to Kiti. The same day I went to the governor's with a letter from some of the Metalamim chiefs who had taken no part in the trouble, asking him to give them protection. He answered their letter, saying they were to come to him within twenty-four hours or be considered as rebels. Three of them went. One was kept a prisoner, the other sent to the Kiti tribe. September 4 Capt. Garland received orders from the governor that the *Star* must be moved up near the men-of-war. The captain thought better to go to sea than to move up, and went for his clearance papers. The governor said he must move up first. As soon as the *Star's* anchor was down in the anchorage the men-of-war officer of the port came aboard to inspect her. Before leaving he informed the captain that none of the Ponape girls would be allowed to leave the island without a written permit from the parents of each one. These permits were obtained. When shown to the governor, he said: "How do I know but all of these belong to the rebels; no Ponape girl will be allowed to leave the island."

September 11 the *Star* sailed for Kusaie with Mrs. Rand, Miss Foss, Miss Fletcher, and twelve girls, Miss Palmer, Mrs. Cole, and the Ponape girls stopping at Kiti. September 13 the two men-of-war commenced shelling the Metalamim tribe. The first day they fired a few shots at Oua, then went into the Metalamim Harbor, lying there five days. While there they fired a great many times, but did not do a great deal of damage, excepting the great number of bread-fruit and other valuable trees destroyed. The colonel was killed there. The church, the king's house, and all the rest of the houses at Tuman were burned. Friday, the 19th, the two men-of-war and two transports were anchored in the Oua Harbor. They kept up an incessant shelling all day Friday and Saturday forenoon. Soon after noon about three hundred soldiers tried to land, and after a short resistance the natives fell back into the bush (only about fifty of them, poorly armed), and they landed and burned all the mission houses. As soon as the houses were burned they went on board their vessels and returned to the colony. (A statement of property burned inclosed. See Appendix XI.) After a careful inquiry from those present at the burning of the house, I am satisfied that it was not a military necessity.

September 27 the *Morning Star* returned from Kusaie, bringing Mrs. Rand, Miss Foss, Miss Fletcher, and the girls. As the settlement of the trouble seemed farther off than it did when they left before, Mrs. Rand and Miss Foss returned to Kusaie taking five of the young men of the training school with them.

The majority of the mission thought all the ladies ought to go, but Miss Fletcher and Miss Palmer decided to stay, but deeply regretted it, when in less than forty-eight hours after the *Star* sailed the governor refused to let them leave the island.

October 3, the day after the *Star* sailed, the governor sent word that all meetings and schools were to stop till he gave permission for them to commence again.

October 11, went to see the governor about having my launch fixed. He asked me if I had received the letter sent me. I told him I had not. He then brought up a great many false accusations against me. He said that I had been inviting the rebel chiefs to my house and to feasts at Kiti, and that I had invited the Kiti King to my house. Also, that I was building a house at Kiti for the Metalamim rebels. Another, that I helped plan the breastworks at Oua. He also said that the Kiti people were all quiet and friendly to them till I went there and stirred them up. He said I could not have any schools or meetings of any kind with the natives. I could remain on the island, but if I disobeyed in one thing I would be sent from it.

He said he thought, as the mission were to blame for the trouble between the Metalamim tribe and the Spaniards, he did not think we would be permitted to resume our mission work.

Sincerely yours,

F. E. RAND.

Miss Palmer's statement.

ROUKITI, PONAPE, *October 29, 1890.*

On the 25th of last June the Spanish force at Oua, under Lieut. Paros, was attacked by natives under two petty chiefs from Japalap and Kimakap. We heard the firing and shouting at about daylight. Naupei, the native teacher in charge of the training school, went directly down the hill to see if he could do anything to save any

part of the garrison. He found the priest, Father Augustine, and his assistant in their house and brought them up, at considerable risk to himself, as the people were very much excited. We put them upstairs in the smaller of the girls' dormitories. Naupei's wife and the young men belonging to the school saved and hid in Mr. Rand's house five of the Manila men and one of the chiefs brought up another. The lieutenant was killed and many of the men and other officers.

In the afternoon two armed boats were sent around, but the men were driven back by the natives and did not reach the shore. While the boats were trying to reach the shore and all of the insurgents were collected there, the Manila men were brought down to the girls' school and were put with the priests. When they found they could not reach the shore, they went back very quickly and brought around the *Manila*, but she got on a reef and was not gotten off until Sunday morning, the 29th.

The women and children down the hill were frightened when the *Manila* came up to the school, and stayed in the schoolroom and in the girls' dining room. Our own girls, thirty of them, were crowded into Mrs. Cole's bedroom and mine, and the women from the training school were in the kitchen and storeroom.

I kept all of the doors at the back of the house locked; also the door between the schoolroom and the rest of the house. The path in front of our yard is cut down, and some men sat there with their guns and watched the house. I could not see them from the lower rooms, but I knew they were there, and some of them came up into the yard. I was not much afraid of them for myself, except as they might dislike our sheltering those people and sending the priest's letter to the governor.

Thursday morning Mr. Bowker came around with his wife. He heard of the attack Wednesday evening, but could not come, as the tide was out. He was very kind, and remained at Oua a great part of the time up to the coming of the *Star*, in August. In the afternoon, Capt. Narrhun, a German trader, was passing in his boat, and came in to urge Mrs. Cole and myself to go around to his place with him. I could not leave while Father Augustine and the others were in the house, but it seemed best to me that Mrs. Cole and Willie should go, as we were expecting that an attack might be made at any time. She finally consented to go, although she disliked to leave me, and she took with her seven of the girls from other islands. I also sent some of the girls from the other parts of the island to their homes. Eighteen girls remained with me.

At midnight on Thursday, when the moon went down, Mr. Bowker and Naupei took the priest and the Manila men out of the house, after looking about carefully to see that the coast was clear. All got off safely to the ship. One, the lay brother Trubenito, went off by himself just before dark, however.

I think they had begun to distrust us, and Mrs. Cole's leaving with the girls helped to frighten them. They went in two parties to the edge of the mangrove swamp and there Naupei and the boys left them. Mr. Bowker took them through the swamp and then took them across the deep water in his canoe, leaving them on the reef, where they could easily walk to the ship.

It was only about two hours from the time they left the house until Mr. Bowker returned, but it seemed like an age.

I can not realize yet that those people were only in the house from Wednesday morning until midnight on Thursday. It seems as if it must have been at least a week.

On the 4th of July Mrs. Cole came back to Oua to get some things she and the girls needed. She stayed with me over night and went back some time the next day. The question of my going away, either to Kiti or to Jouinting, was brought up again, but it did not seem right to me to leave the houses and other mission property, and there was not immediate prospect of more fighting. Besides, I thought that perhaps I could do something toward persuading the people to obey the governor's demands.

On Mrs. Cole's return to Jouinting the governor sent for her and questioned her about going to Oua to celebrate the 4th. She was able to convince him, however, that that was not her purpose in going. I did not even know that was the 4th until some one mentioned it in the evening.

After this several letters came from the governor to the Metalamim chiefs, and Naupei and I were requested by him to translate them in Ponape, and to get the chiefs together and to try to persuade them to obey him. At first there was no high chiefs, except one, a boy, concerned in the trouble, and it seemed from the tone of the governor's letters as if perhaps things could be settled without more fighting. We had nearly all of the chiefs together at the girls' school once, and several of them I saw many times.

About the 20th of July Mrs. Cole came back again and remained until the 24th, when we all had orders to go to the governor to give testimony in regard to the outbreak. We started early in the morning in the rain, and came back late in the evening in the rain, Mrs. Cole and two of the children remaining at Jouinting. We

were at the governor's from about 10 in the morning until 4 in the afternoon. Mr. Bowker, Mrs. Cole, Naupei, and myself were questioned. The papers were written in Spanish and were not signed at the time.

By this time it seemed plain that there would be more fighting as soon as reinforcements arrived from Manila, and we had begun to send some things to Kiti, and had the governor's permission to bring the schools here.

On the 20th of August our mission vessel, the *Morning Star*, came in, bringing Mr. Rand and his family and Miss Fletcher. We were all at Oua two weeks, and then went aboard the *Morning Star* with all of the scholars who remained with us.

We had the governor's permission to take them on board, but in a few days this was countermanded—that is, as far as the Ponapeans were concerned—and permission to take any Ponape girls from the island was refused.

When the *Morning Star* sailed, on the 11th of September, Mrs. Cole and I came around to Kiti, bringing with us the Ponape girls. We remained at Nalap, a little island on the reef, a few days, and then came over to the mainland, and have remained here in Solomon's house since that time.

It is a very good native house of three rooms, and the chief has given it up almost entirely to our use. We are a little straitened for room, however, as there are twenty-one girls, Miss Fletcher, Mrs. Cole and her little boy, Solomon, and myself who must eat and sleep here.

While we were on board the *Morning Star* in Jamestown harbor I went with Capt. Garland, of that vessel, on board the *Molina*, where the interpreter read over to me a paper in English, and I signed it. I did not know whether I had a right to demand an English copy, as I understood no Spanish, or not, and so I signed it in the Spanish.

I do not think I need to say that the time since the 25th of June has seemed very long, or that it has been a time of great anxiety to me, especially before the arrival of the *Morning Star*. I knew that the Spaniards looked upon the American missionaries as the cause of all their trouble with the Ponapeans, and that there are foreigners on the island, some of them Americans, who are ready to accuse us of anything, and there is not always time to prove that a story is false in time of war.

When Mrs. Cole went around to the colony, the day after the attack, she saw on the governor's table two letters addressed to Naupei and to me, and his daughter told her that her father had written ordering us to come around and explain the outbreak.

She said it was very strange that it should have happened at the mission station. Mrs. Cole explained how impossible it was for us to leave the house, and the letters were not sent, but the feeling of distrust has remained, and has shown itself in many ways, although they chose for a time to avail themselves of our services.

The day I was questioned they would not believe that I did not know all about everyone concerned in the outbreak and all of Pol's movements for several weeks before it occurred. I felt sure, when they were taking down what I said, that in two places where I insisted that I did not know, it was written down as if I said yes. When the paper was read over to me I found that this was so, but as I had, in the meantime, made inquiries and found that what was written was true, I did not object to it. I was not in a position to know very much about the natives and their movements, as the care and teaching of thirty girls confined me very closely to the house.

[Appendix IV.]

Commander Taylor to Governor Cadarso.

U. S. S. ALLIANCE,
Jamestown Harbor, Ponape, October 30, 1890

SIR: I have read with great interest your excellency's letter of October, replying to mine of October 23, and have received from it much valuable information.

The testimony that I have received from natives and others is such that, if you would credit it, I believe that your opinion of the missionaries would be much modified, if not quite changed; but I recognize that your position on this point is not to be changed, and that, therefore, further discussion on this subject is not necessary.

I thank you sincerely for your answer to my first question, and for your assurance that American subjects in Ponape would always receive your kind protection.

I note also with grateful attention your reply to my second question, in which you propose as a certain means of assuring protection to the missionaries that they should establish themselves at your colony, near your seat of government. Also to my *third* question, that the missionaries' church and school work may be resumed when *tranquility* is established.

With regard to these two latter questions I am well convinced that your course of action is governed by the same justice and kindness which has always characterized your administration of public affairs. Nevertheless I have not felt justified in recommending to the missionaries to accept those conditions, and have advised them, on the contrary, to withdraw from Ponape and retire to some other island, and there await the pleasure of the Spanish Government and the coming of the day when that Government will decide that the island has become tranquil, and that the missionaries can return to the full enjoyment of their former privileges.

The missionaries have decided to accept my advice if you will permit them to take with them certain native girls of Ponape and other islands, where they have in time past received them under pledge that they would personally take care of them.

Should you consent to this I will carry these people and their baggage away from the island in this ship. Such of their property as must remain here will be left in charge of Mr. Bowker and other friends until the arrival of the United States consul, who will be asked to take charge of it until the missionaries find some way of sending for it.

The young women whom Miss Fletcher and Miss Palmer wish to have go with them are from other islands—Rhoda, Esther, and Edith, from the Mortlock group; Aleta, from the Mokie Island; Myra, Lulu, Mary Jane Smith, and Nancy Oldham, from the Mokil Island; Elsie and Sophie Juniper, from the Marshall group; Nellie and Jael, from Pingalap Island. These girls were allowed to leave the island September 11, 1890. They returned here September 29, 1890.

From Ponape (at the mission school) Joanna, daughter of John de Silva Kiti, entered the school in 1886; Alice, daughter of Joanna, formerly of Pauperin Island, but given to mission school 1886; Julianna, an orphan (parents formerly of Mejijo) now dead, given to school in 1884; Molphine, daughter of Reuben of Oua, given to school in 1886; Dora, daughter of David, of Mejijo, given to school in 1886. Permission for these girls to leave the island had been previously granted by your excellency and they have returned to Ponape of their own accord last September.

In view of the fact that the missionary ladies would regard the leaving these girls as a sort of desertion of them, and if you understand that they have been given to the mission school many years ago, I am in hopes that your excellency will now grant the desired permission.

Mr. Rand requests that the following persons be allowed to accompany him, because they are domestics and a part of his household:

Llewellyn and Clara, from the Kiti tribe (married); Charles, a boy from the U. tribe; Bernard, formerly from the Kiti tribe, but living for some time with the second chief at Metalamim (this chief now lives in the Kiti tribe under the protection of your excellency); Samuel, a Mokiel boy; Minikish, an interpreter, now on board the Japanese schooner here.

While awaiting for your reply permit me, sir, to thank you for the kind and generous expressions of your letter of October, which have given me the greatest pleasure. I shall always esteem it a great honor to have been associated with your excellency, and shall be very proud if in the future I may be permitted to call so distinguished an officer my friend.

I am, sir, with highest respect, your excellency's obedient servant,

H. C. TAYLOR,
Commander, U. S. Navy, Commanding U. S. S. Alliance.

His EXCELLENCY, etc.

[Appendix V.—Translation.]

Governor Cadarso to Commander Taylor.

PORT SANTIAGO, *Ponape, November 1, 1890.*

His Excellency H. C. TAYLOR,
Commanding the United States corvette Alliance:

MR. LE COMMANDANT: The reading of your official letter, dated yesterday, proves to me another time that the hopes which I had harbored of an amiable arrangement with regard to the American missionaries were justifiable.

I understood at once, from our first conference, that the noble admiral of the squadron to which the *Alliance* belongs had chosen for the arrangement of the diplomatic affairs which had originated here a chief who was an honor to a Navy so distinguished as that of the United States of America, and still more to the modest governor of that archipelago, who will always recollect with the greatest satisfaction the good offices and attentions which he has received from your excellency.

I accept, therefore, with true gratitude the phrases of good will and kindness that you have addressed to me, as I accept with complete accordance the advice of your excellency, the departure of the missionaries from the island, as well as the American ladies, scholars, and people in their service, of whom you had the kindness to give the names in your letter, having for my part no other objection to their embarking on board the *Alliance* for the purpose of being taken to another island in accordance with the proposition that you have had the kindness to make to me.

In everything that relates to the rest of the American subjects resident in this archipelago you can be sure that they will enjoy all the privileges accorded by the Spanish minister of foreign affairs and that correspond to a friendly and loyal nation.

I beg that your excellency will henceforth count me among the number of his most attached admirers, and for you to remember, as I do with great pleasure, to a time in which we have been together working for the same purpose, having given our good will to the general welfare and peace of this country.

I am, etc.,

LUIS CADARSO,
Governor of the Western Carolines.

[Appendix VI.—Translation.]

Affidavit of natives in re missionaries.

This letter is to testify that we, whose names are attached, have for many years known Mr. Rand and the lady teachers, and we have never known them to do anything to influence us, the people of Ponape, to refuse to obey the Spaniards or their religion, but have always counseled and taught us all, openly and privately, that we must obey the Spanish rule and keep the peace at all times.

We know they have always tried to do this in the Kiti tribe, the Metalanim tribe, and in all Ponape. They could not have influenced the natives of Ponape or taught them to do anything else but obedience and peace without our knowing it or hearing it at once. All statements to the contrary are wrong and false.

Nauamariki en Kiti (his x mark), Moto (his x mark), Nauken Kiti (his x mark), Naujausiriu Kiti (his x mark), Noj Kiti, Henry Naupei Kiti, Naumatam It Kiti, Nauana-en Kiti (his X mark), Jantey Metalamin (his x mark), Naiut lapulap Kiti (his x mark).

I affirm that the men themselves wrote names or made their mark.

HENRY NAUPEI.

This Henry Naupei personally appeared before me and acknowledged his signature and affirmed the truth of the above.

[SEAL.]

H. C. TAYLOR,
Commander, United States Navy.

OCTOBER 24, 1890.

This letter is to testify that we, whose names are attached, have for many years known Mr. Rand and the lady teachers, and we have never known them to do anything to influence us, the people of Ponape, to refuse to obey the Spaniards or their religion, but have always counseled and taught us all, openly and privately, that we must obey the Spanish rule and keep the peace at all times.

We know that we have always tried to do this in the Kiti tribe, the Metalamin tribe, and in all Ponape. They could not have influenced the natives of Ponape or taught them to do anything else but obedience and peace without our knowing it or hearing it at once. All statements to the contrary are wrong and false.

Vajaien Jekoy, Tauk Jekoy, Tefit Jekoy, Uajai Jekoy (his x mark), Naujaom (his x mark), Naukiu (his x mark), Lepeu (his x mark), Marki (his x mark), Jetiu (his x mark), Naukai (his x mark), Luen (his x mark), Jaulik (his x mark), Japeteu (his x mark), Naulaim (his x mark), Jonlikiu (his x mark), Loap (his x mark), Noj (his x mark), Namviotau (his x mark).

I affirm that the men themselves wrote names or made their mark.

NAI RAFAI (his x mark).

This Rafai personally appeared before me and acknowledged his signature and affirmed the truth of the above.

[SEAL.]

H. C. TAYLOR,
Commander, United States Navy.

PONAPE, October 23, 1890.

This letter is to testify that we, whose names are attached, have for many years known Mr. Rand and the lady teachers, and we have never known them to do anything to influence us, the people of Ponape, to refuse to obey the Spaniards or their religion, but have always counseled and taught us all, openly and privately, that we must obey the Spanish rule and keep the peace at all times.

We know that they have always tried to do this in the Kiti tribe, the Metalamin tribe, and in all Ponape. They could not have influenced the natives of Ponape or taught them to do anything else but obedience and peace without our knowing it or hearing it at once. All statements to the contrary are wrong and false.

Nauamaradi en U, Uajai (his x mark), Nauana (his x mark), Naukiu (his x mark), Julioj, William, Jojef, Pimaj, Jaimon, Jon, Tepit, Pnaj, Ejka, Ezekaia, Moses, Illaij.

I affirm that the men themselves wrote name or made their mark.

I. WILLIAM.

U. S. S. ALLIANCE, *October 24, 1890.*

This letter is to certify that we, whose names are attached, have for many years known Mr. Rand and the lady teachers, and we have never known them to do anything to influence us, the people of Ponape, to refuse to obey the Spaniards or their religion, but have always counseled and taught us all, openly and privately, that we must obey the Spanish rule and keep the peace at all times.

We know that they have always tried to do this in the Kiti tribe, the Metalamin tribe, and in all Ponape. They could not have influenced the natives of Ponape or taught them to do anything else but obedience and peace without our knowing it or hearing it at once. All statements to the contrary are wrong and false.

Lepeu Not (his x mark), Norijon Parceu (his x mark), Uajai Not (his x mark), Rionneu Roi (his x mark), Naumato en Kipar (his x mark), Jonen (his x mark), Pita (his x mark), Etnet (his x mark), Alekjeuta (his x mark).

I affirm that the men themselves wrote names or made their mark.

ETNET.

This Etnet personally appeared before me and acknowledged his signature and affirmed the truth of the above.

[SEAL.]

H. C. TAYLOR,
Commander, United States Navy.

PONAPE, *October 22, 1890.*

This letter is to testify that we whose names are attached have for many years known Mr. Rand and the lady teachers; and we have never known them to do anything to influence us, the people of Ponape, to refuse to obey the Spaniards or their religion, but have always counseled and taught us all, openly and privately, that we must obey the Spanish rule and keep the peace at all times. We know that they have always tried to do this in the Kiti tribe, the Metalamin tribe, and in all Ponape. They could not have influenced the natives of Ponape or taught them to do anything else but obedience and peace without our knowing it or hearing it at once. All statements to the contrary are wrong and false.

Ejikia Uajai Motolomin (his x mark,) Jojuia (Nanpu en Matolomin) (his x mark.)

I affirm that the men themselves wrote names or made their mark.

[SEAL.] C. E. BOWKER.

This C. E. Bowker personally appeared before me and acknowledged his signature and affirmed the truth of the above.

H. C. TAYLOR,
Commander United States Navy.

PONAPE, *October 24, 1890.*

This letter is to testify that we, whose names are attached, have for many years known Mr. Rand and the lady teachers; and we have never known them to do anything to influence us, the people of Ponape, to refuse to obey the Spaniards or their religion, but have always counseled and taught us all, openly and privately, that we must obey the Spanish rule and keep the peace at all times.

We know that they have always tried to do this in the Kiti tribe, the Metalamin tribe, and in all Ponape. They could not have influenced the natives of Ponape or taught them to do anything else but obedience and peace without our knowing it or hearing it at once. All statements to the contrary are wrong and false.

Nauamaraki en U, Uajai (his x mark), Nauana (his x mark), Naukin (his x mark), Juliaj, Jojef, Piniaj, Puaj, Ezka, Sylvia, Moqes, Alaij, Raimon, William, Jaimon, Jon, Tepit.

I affirm that the men themselves wrote names or made their mark.

WILLIAM.

This William personally appeared before me and acknowledged his signature and affirmed the truth of the above.

[SEAL.]

H. C. TAYLOR,
Commander United States Navy.

PONAPE, *October 23, 1890.*

This letter is to testify that we, whose names are attached, have for many years known Mr. Rand and the lady teachers, and we have never known them to do anything to influence us, the people of Ponape, to refuse to obey the Spaniards or their religion, but have always counseled and taught us all, openly and privately, that we must obey the Spanish rule and keep the peace at all times. We know that they have always tried to do this in the Kiti tribe, the Metalamin tribe, and in all Ponape. They could not have influenced the natives of Ponape or taught them to do anything else but obedience and peace without our knowing it or hearing it at once. All statements to the contrary are wrong and false.

Uajai Kiti (his x mark), Jon Kiti (his x mark), Jautel Kiti (his x mark).

I affirm that the men themselves wrote names or made their mark.

C. E. BOWKER.

This C. E. Bowker personally appeared before me and acknowledged his signature and affirmed the truth of the above.

[SEAL.]

H. C. TAYLOR,
Commander United States Navy.

PONAPE, *October 24th, 1890.*

[Appendix VII.—Translation.]

Confidential letter of Edgar, native.

OCTOBER 4, 1890.

SIR: Mr. Naupei; good day, sir. To-day I will show to you the doings which caused me to be made a prisoner not able to get away.

Sir, I do not know what is before me, whether I will be killed at Ponape or carried to Manila and kill there. I do not know, sir. Now when we were at Pantisiun, that is the time I was put in irons. September 19th we went to Oua, and I was in irons till their battle was finish; then we came here, then after one week I went to Colony, because governor sent for me, I and the captain of the *Tlolina*. Now the governor and his principal officers were gathered together; also a priest to interpret. They then inquired of me about everything, for me to show them all things truthfully. I then said, I know nothing. They then said if you do not show us somethings in regard to Mr. Rand and Miss Palmer and Mr. Cole and Capt. Nanow and David; they all testify that your actions are very bad. I then asked him what? He answered, that you began the trouble, and that you sold to them guns and cartridges, and that you hated the lieutenant, and that you killed him, and that you also commanded in the fighting. I then answered, saying: Sir, truly God knows that all these things are false. I did not sell any gun or cartridges from my hands.

It was not I who kill the man, because I was at Na at the time, afterwards I went to Oua. At the time bout came I was at that place, but I did not fire a gun. He then said, all those things are true, because no one is with you, you are only one and they are many who testify against you, therefore you will not live, because you do not expose the acts of Mr. Rand and the others to pay for exposing your actions. I then said I have heard nothing from them. He then inquired in regard to Henry; I also said I know nothing; he then said that he knew everything about Henry; he then sent me back to this ship, where I am in irons. Sir, to day, Sunday, I sit down to write crying—my feet are in irons. Sir, they are very kind to me, serving me and

giving me all I want. I think Jesus does move their hearts. Sir, I desire to be here knowing that I am strengthened by your prayers. Sir, I desire to beg something of you. Will you not be kind to me and do what I want you to. It will be good for you to write testifying to the falsity of everything that is not true of me, also testifying as to who killed the man, because I do not want to suffer for what some one else did. Sir, please beg Mr. Rand and Miss Palmer and Mrs. Cole that they make right with the governor who they have told him that was false, because he says it is they who have caused me to be in irons. If you and they can make it right with him I will be set at liberty. Sir, if you write the letter I desire, will you not also get some who love me to put their names to the same testifying that what you write is true. Sir, if you do this make two copies, send one to the governor and the other to me. The one to me to be in good English that I may have it to take to Manila if they send me there for trial. Sir, I beg you to write; don't be afraid. All that has been said against me is false. That day I acted falsely that I might get from them honor. I said that I was fighting with them, but, sir, I did not. Sir, try and do what I desire of you; if you do not succeed I will be killed.

Good day, Sir Naupei. Again he says I am Paul Secratary; I said I was not, but that I used to interpret to foreigners for him, but that I stopped a long time ago. Probably he will ask you if this is true. My salutation to the missionaries, also Henry. You will pray for me. My salutation to you, Honored Naupei.

I, Henry Naupei, testify that Etkar, a prisoner aboard the Spanish-man-of-war, offered to me in the governor's house Monday, October 20, a letter—I refused it. This letter was handed to me after I left the governor's house by some one to whom the prisoner had given it. I also certify that the letter I send you, dated October 4, is that letter.

HENRY NAUPEI.

Personally appeared before me this Henry Naupei and acknowledged his signature and affirmed the truth of the above.

H. C. TAYLOR,
Commander United States Navy.

PONAPE, *October 24, 1890.*

[Appendix VIII.]

Statement of Mr. C. E. Bowker.

PONAPE, CAROLINE ISLAND, *October 19, 1890.*

On June 26, 1890, the natives at Oua arose and attacked the Spanish troops and killed a number of them. At this time I was at my house, about 3 miles distant. I visited the scene of the action the next day. I knew that two lady missionaries were in the mission at Oua, Miss Palmer and Mrs. Coles, and my object was to be of any assistance to them or anyone else who might need it. * * *

My opinion is that there is no one specific cause for the trouble, but a general discontent, due to the general tenor of the Spanish treatment; to threats made by subaltern officers, and to a vague idea on the part of the natives as to what their rights really were; to the fear of being impressed for service, and to the fact that the Spanish authorities have not defined either their claims or intentions, or the rights of the natives.

Among the threats made was this one that they would drive the religious teachers of the natives away from the island. These threats were made in a way that would least compromise the Spanish authorities. * * *

When I arrived the Spanish troops had withdrawn. Those troops who had occupied the place before had been driven away. The troops returned to headquarters. Letters were sent by myself and Miss Palmer to the United States consul at Manila, and I believe sent with a letter from myself to Admiral Belknap at Yokohama, who ordered this vessel here.

Nothing occurred until the early part of September, when vessels arrived from Manila bringing about eight hundred men and large quantities of supplies. These ships and troops went first from Jamestown harbor to Metalamin harbor, 5 miles below Oua, about September 15th, where they effected a landing, losing some men and officers, among the latter being the colonel commanding. No natives were killed. A few days later the expedition appeared off Oua; they entered the harbor and shelled the country and landed about two hundred and fifty men. This force was resisted by a small body of natives who had thrown up some rough intrenchments. In the course o this fight a number of the Spanish troops and of the natives were killed or wounded.

Following this the Spanish troops burned some of the houses belonging to the American mission. All of their buildings, in fact, which had not been destroyed by the shells from the ships, were set fire and destroyed with all their furniture and contents.

Mr. Rand having been absent from one and a half to two years returned in the month of August and took up his residence at the mission at Oua.

Before the expedition of September left Jamestown harbor, the governor informed Mr. Rand that he and the ladies must leave Oua, their mission work, as they would be in danger on account of the impending hostilities. They left Oua a few days before the expedition and proceeded to Kiti, on the opposite side of the island.

[Appendix IX.]

List of scholars at mission school.

Joanna, daughter of John de Silva, Kiti, entered 1886. Alice, daughter of Joram, formerly of Paupinu, but given to mission school in 1885. Juliana, orphan; parents formerly belonging to Mijijo, but dead for several years. The girl was given to the mission school in 1884. Molpene, daughter of Reuben, of Oua. Girl given to mission school about four years ago. Dora, daughter of David, of Mijijo. Girl given to mission school four years ago on account of the death of her mother.

The written transfers from the parents to the mission school for the above scholars accompany this list, with the exception of one, Juliana, both of whose parents have been dead for several years. This girl's nearest relative is a Kiti man in good standing.

Permission to leave the island was refused these scholars last September, but may now be obtained from the governor if the fact of their having been given to the mission school, years ago, be properly appreciated.

List of scholars from other islands.

Rhoda, Esther, and Edith, from the Mortlock group; Aleta, Myra, Lulu, Mary Jane Smith, and Nancy Oldham from the Mokil Islands; Elsie and Sophia Junipfer, from the Marshal group; Nellie and Jael, from the Pinglap Island.

The transfers of the most of these scholars from their parents to the mission school are in the hands of the teachers.

These same girls were allowed to leave the island by the present governor, some two months ago, and were only brought back by Miss Fletcher, September 29.

One couple from the Kiti tribe, Llewellyn and Clare; Charles, a boy from the U tribe; Bernard, formerly from the Kiti tribe, but living with the second chief in the Metalamin tribe. This chief has been in the Kiti tribe since September 11, under the protection of the governor. Samuel, a Mokel boy.

[Translation.]

MAJIJO, *September 6, 1890.*

I, Elias, do to-day give to the girl's school my daughter Frederika, to remain with the teachers wherever they may be.

ELIAS (his x mark).

Witness:
ALEK.

[Translation.]

OUA, *September 6, 1890.*

I, Ruben, of Metalamin, do give to the girl's school at Oua my daughter Molysena, to remain with the teachers wherever they may be.

RUBEN (his x mark).

Witness:
ALEK.

[Translation.]

OUA, *September 6, 1890.*

I, Joram, do to-day, give into the care of the girl's school my daughter Alice, to remain with the teachers wherever they may be.

JORAM (his x mark).

Witness:
ALEK.

OUA, *April 22, 1886.*

I, John de Silva, certify that I desire to have my daughter Joanna in the girl's school at Oua. I agree to let her become a pupil of said school for six years, to be subject to all the rules of said school the same as all the other pupils and prepare for the same work—that is, the work of teaching.

I also certify that if I should die before the six years are ended, that Joanna belongs to Miss J. E. Fletcher, or a teacher of the school of that time.

JOHN DE SILVA.

Witness:
F. E. RAND.

OUA, PONAPE, *August 15, 1890.*

This is to certify that I, David Lompuai lapalap en Metalamin, do this day of my own free will give entirely into the care of the teachers of the girl's school at Oua, Ponape, said school belonging to the American Board of Commissioners for Foreign Missions, my daughter Dora, she to remain in said school and be under the sole care of the teachers in that school until such time as they shall consider her fitted to enter upon the work of teaching.

DAVID LOMPUAI LAPALAP,
Metalamin.

Witnesses:
C. E. BOUKER,
J. A. EDGAR.

[Appendix X.]

Statement of Mr. Rand in regard to mission land of the American Board of Commissioners for Foreign Missions at Ponape.

The American Board of Commissioners for Foreign Missions own land at Oua, Ron Kiti, and Santiago. This land was given by the natives for mission purposes, and has been and is still used for the above purposes, excepting that at Santiago. The land at Oua is held by three separate deeds. First, the portion on which the church and Mr. Doane's house was located. The deed for this was given about twenty-five years ago. The piece (about 7 acres) on which was located Mr. Rand's, Dr. Ingersoll's, and other mission houses.

The deed for this was given in 1882. The last deed was given in 1886. This was for all of the districts known as Oua, and included the first and second deeds. The land at Kiti was given in 1852 (copy inclosed). The land at Kenan was given at two different times. The portion known as Kenan was given more than twenty-five years ago. This was occupied by Mr. Doane till he was crowded out by the Spaniards in 1887.

The other deed is for a piece of land called Meginitin; it is the land now occupied by the colony and was given to the mission in 1880 (copy of deed inclosed). It is adjoining to the land spoken of as Kenan. Mr. Doane gave the first governor Mejinsoic, and he and his successor, the present governor, crowded him out of more than half of Kenan. The present governor finally settled with Mr. Doane by promising to pay $2,000 (I think that was the amount), but he did not keep his promise. We have never received a cent.

We do not waive our claim to the $2,000, or the rest of the Kenan land not turned over to them by Mr. Doane.

I send you this statement hoping you will bring the matter before our Government that they may take steps towards having the Spanish Government acknowledge our rights to the above lands. And I also ask that you return the deeds given to Governor Cadarso in 1887. We only ask that the Spanish Government treat us as becomes American citizens residing on Spanish soil.

We, the undersigned, Nanakin and chiefs of Roan Kiti, do hereby certify that a certain plot of land known as the "mission premises" at the mouth of the Roan Kiti River was, in the year 1852, donated by our predecessor, the former Nanakin, to the American Board of Commissioners for Foreign Missions, and that for the sixteen years last past said board has held full and undisputed possession of said land, and that we do from this date confirm said mission board in its full and lawful possession of said

lands, hereby promising to protect said board from the aggressions of any and all persons whatsoever trespassing on said mission lands.

Given this 24th day of June, A. D. 1870, on board the United States steam sloop *Jamestown*, at Roan Kiti Harbor, Island of Ponape.

NANAKIN EN TEN KITI (his x mark).
UAJAI EN KITI (his x mark).
NOJ KITI (his x mark).
LEPEN TELUR (his x mark).
NANAATAN EN PALON (his x mark).

Signed in my presence.

W. T. TRUXTUN,
Commander, United States Navy.

E. T. DOANE.
A true copy.

W. T. TRUXTUN, Commanding U. S. S. *Jamestown.*

Be it known to all whom it may concern, I, Lepen Not, and I, Jonon en Metep, we severally and conjointly do this of our own free will and consent make over to Edward T. Doane, or his successor, whomsoever it may be, that portion of the land known by the name of Mejinion, beginning at the mouth of the stream named Tan en Un, and following the middle of that stream till it strikes the boundary of Mr. J. Kubary's land, then passing rather westerly till it reaches the boundary of the land known as Iolinia, then deflecting north on that boundary till it reaches salt water. This piece of land we make over as above stated to be held and known as the land of the Jonlan Kan or Christians.

We set our names or titles or make our marks to this paper in the presence of these witnesses.

Marau or their titles.

LEPEN NOT.
JOAN METTEP.

Witnesses:
KRON RUC.
NANO EN MAITIK.
PONAPE, *July 26, 1880.*

[Appendix XI.]

Estimated value of mission property burned at Oua.

	Cost.	Wear and tear.	Value.
Mission church, built in 1876. (More than $1,000 has been spent on additions and repairs)	$2,000	$500	$1,500
Mr. Doane's house, built in 1873. (Repairs $500)	2,000	1,000	1,000
Revolving library table	50	20	30
Baby organ	35	10	25
Medicines	25		25
Ponape New Testament (Katate Kap Ko)	20		20
Mr. Doane's library	300	150	150
Mortlock books	15		15
Household utensils	20	10	10
Three tables	30	15	15
Three lounges	26	12	14
Water tank (400 gallons)	35	17	18
Eight pairs window sash	30	10	20
Bookcase	36	18	18
Church bell	250	50	200
Girls' school library, built in 1884. (Original cost $2,000; addition and repairs $1,000)	3,000	500	2,500
Household goods in above building	225	60	165
Small house for domestics, near girls', built in 1886	85	25	60
Dr. Ingersoll's house, built in 1887	600	75	525
Household goods in above	80	25	25
Mr. Rand's house, built in 1882. (Original cost $1,100; additions and repairs $600)	1,700	450	1,250
Ponape books in above house, new	2,000		2,000
Mr Rand's library	500	200	300
Other personal and mission property in Mr Rand's house	175	65	110
House occupied by Naupei en Kiti Anst, teacher in training school, built in 1886	250	25	225
School house near Mr. Rand's house, built in 1886	250	30	220
Dormitory for young men's training school, built in 1886	250	30	220
Three houses for couples in training school	275	50	225
Five iron water tanks, pipes, and other fixtures	225	25	200
Total	$14,517	$3,403	$11,114

DON LUIS CADARSO Y REY, *governor of the Eastern Carolines.*

I do hereby give notice:

1. It is prohibited, until further orders, any meetings of whatever nature, in this island, between natives and foreigners.
2. It is, in the same way, prohibited to build neither churches nor houses without permission of my authority; who acts contrary to this order will be liable to a fine of $100.
3. He that does not obey the article 1, concerning meetings, will be subject to the military ordinances, on account of being the country in time of war.

Santiago de la Ascension, October 11, 1890.

[SEAL.] LUIS CADARSO.

DON LUIS CADARSO, *governor of the Eastern Caroline Islands.*

I do hereby give notice:

According news that I have received for the schooner *Fowler*, will arrive very soon the military expedition, and I recommend to all the chiefs of Metalamin tribe, to accomplish in the term of four days, the following conditions, in order that all the tribe should not be destroyed:

1. To deliver all the arms and munitions of the tribe.
2. Presentation to the government house, of the Chiefs Eogin Metalamin, Krouniletau in Tapalau, Manliam, Nanpue in Kiuakap, Taulik, Taul, Nauchas, Re-rim, Namalie and Marrekiulau, in order to do their discharges.
3. To begin to gather good woods, to continue the built of the fort when the troops arrive.

St. James (Ponape), August 28, 1890.

The governor,

[SEAL.] LUIS CADARSO.

[El commandante de la division naval de las Caroline Orientales.—Particular.]

Rev. Mr. RAND:

DEAR SIR: You always know that the country is in state of war, and for some reason, meanwhile this exceptional state continue, it must not have any meetings, who may be dangerous.

It is to my know that in these last days it was a meeting of a great many people in that house, and I will be very sorry that that be true, for you already know the considerations that I always have kept you; but now I have to be severe, with all who fault to my orders.

I beg you don't have any meetings that now should be able be dangerous for all, and you already know, that in other circumstances, I should have pleasure in permit them to you.

I am, dear sir, yours surely,

The governor, LUIS CADARSO.

IN JAMES, *October 16, 1890.*

[Appendix XII.]

Governor Cadarso to Miss Palmer.

[The governor and el commandante de la division naval de las Caroline Orientales.—Particular.]

PONAPE, *July 18, 1890.*

To Miss PALMER, *Ona*.

I am satisfied of knowing that Kroun is resoluted to deliver the guns; of that manner he will avoid greater evil to those which who didn't meddle in anything.

I hope that Monday, will come Etquer, to deliver all the guns, who fault of the department, who are 41, and besides all of different system, that I know who had the natives.

When you are disengaged, I will have want that you come here, for I am instructing a cause upon the success, and I want to take your declaration.

The same day that you come, may come also Mr. Charles Bowker, Nau Pei and Etquer.

I remain, dear miss, your most obedient servant,

LUIS CADARSO.

Governor Cadarso to Miss Palmer.

[The governor and el commandante de la division naval de las Carolinas Orientales.—Particular.]

PONAPE, *June 19, 1890.*

To Miss ANNE PALMER:

DEAR MISS: How Mrs. Cole will have told you, my wish is please you in all I am able.

At the establishment there, by imperious necessity of the department who will guarantee the order and peace in the country, is of absolute necessity the installation of a missionary who attend them, how Catholics that they are, and that he stops near of the troops.

I regret that are not more distant place of the church that there had, who reunite the conditions of healthfulness; by this reason the reverend missionary, Mr. Augustine, is in want of build it in the indicated place, but I offer you that this will not violate the liberty of action that you have, nor will prejudice you in the least, and they will put a palisade in order to separate completely it.

By the rest, only wish to please you, your most obedient servant,

LUIS CADARSO.

Clandestine overture by rebel chief.

METALAMIN, *October 26, 1890.*

I salute you, my father, my teacher, you Mr. Rand, this is how I write you.

I want you to show the captain my love. I would like to see him but can not on account of the difficulties.

If you can't influence the Spanish leave it to God to help us who are in trouble. I want to know the sentiment of the captain—if he will befriend us, or is he going to assist the Spanish, will he send to protect us guns and powder.

NAI POI.

I have declined to hold any communication with these Metalamin, who are rebels to the Spanish authority, but this letter was brought aboard here by an unknown native boat, and I have taken copy and rough translation made by Bowker, but I have declined to reply in any way, but have said to all around me that the United States was a friend of Spain's and would so remain and would not help Spain's enemies.

H. C. TAYLOR, *Commander.*

OCTOBER 28, 1890.

[Appendix XIII.]

Chronological table.

1852. Mission established at Ponape and Strong Islands by Messrs. Sturgis, Gulick, Snow.
1853. Small-pox on island; 5,000 deaths; missionaries vaccinate.
1854. Mr. Doane arrives.
1860. First converts.
1865. Mission moved from Kiti to Oua.
1874. Mr. Rand and Mr. Logan arrive. First native teachers sent out.
1882. Miss Fletcher arrives and establishes boarding school for girls.
1885. Miss Palmer arrives. German man-of-war hoists flag in all Carolines.
1886. (March.) German flag hauled down by German man-of-war. (July.) Spanish man-of-war hoists flag of Spain.
1887. (March.) Arrival of Spanish transport *La Manila*, with governor, six priests, seventy-five soldiers. Headquarters established at Jamestown Harbor. (April 14.) Mr. Doane arrested and imprisoned on *La Manila*. (July 8.) Mr. Doane arrives at Manila for trial by governor-general.
1887. (July 4.) Massacre of the governor and the Spanish troops by natives. Store ship held in siege. (September 1.) Return of Mr. Doane from Manila. (November 1.) Governor Don Luis Cadarso takes charge of Ponape. (November 19.) U. S. S. *Essex* arrives. (November 24.) U. S. S. *Essex* sails. (—— 10.) Peace settled between the natives and Spaniards.
1889. (January.) Mr. Rand leaves for the United States.
1890. (February.) Mr. Doane leaves for Honolulu. (May.) Mr. Doane dies at Honolulu. A force consisting of one lieutenant, one priest, and thirty soldiers *leave* for Oua to begin building church and priest's house.

1890. (June 20.) Twenty more troops sent to Oua. (June 25.) Natives massacre all Spanish troops, except five soldiers and one priest. (August 20.) Mr. Rand arrives in *Morning Star* at Jamestown Harbor. (August 21.) Mr. Rand goes to Oua. (August 28.) Governor gives Mr. Rand letter to king with terms of surrender. (September 1.) Arrival of ships from Manila with 1,000 troops. (September 3.) Missionaries leave Oua and embark on *Morning Star*. (September 4.) *Morning Star* inspected by Spanish officer. (September 11.) *Morning Star* sailed for Kusaie, taking several of the missionaries. (September 12.) Governor proclaims martial law. (September 13.) Men-of-war begin shelling Metalamin; death of colonel commanding troops. (September 19.) Men-of-war and transport anchor at Oua. (September 20.) Three hundred troops land and burn all property, including that of American mission. (September 27.) *Morning Star* returns with missionaries. (September 28.) *Morning Star* returns to Kusaie. (October 1.) Governor refuses Miss Fletcher and Miss Palmer permission to leave island. (October 11.) Governor forbids missionaries to hold meetings. (October 15.) U. S. S. *Alliance* arrives. (November 3.) U. S. S. *Alliance* sails for Kiti. (November 4.) U. S. S. *Alliance* sails for Kusaie. (November 10.) U. S. S. *Alliance* sails for Nagasaki.

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Congregational House, 1 Somerset street, Boston, January 8, 1891.

DEAR SIR: An important mail was received yesterday, bringing fresh tidings from Ponape, both from our missionaries there and from Capt. H. C. Taylor, U. S. Navy, commanding the U. S. S. *Alliance*, which had visited Ponape, counseled with the missionaries, and returned to Nagasaki.

I inclose herewith copies of important letters and statements. Doubtless much of the information thus contained will reach you directly through the communications which Capt. Taylor will send to the Navy Department. It is clear from these documents that events have moved very rapidly in Ponape since the last tidings which we had received. Our missionaries are now all removed from Ponape to Kusaie, an island some 300 miles distant. This step was made needful in the judgment of Capt. Taylor for the personal safety of our missionaries. The churches and schools upon the island of Ponape are all closed, mission work of every form is suspended, and mission property at Oua, the main center of work, has been all destroyed by fire at the hands and by command of the Spanish authorities.

One of the letters inclosed, written by Mr. Rand at Kiti on September 20, will show distinctly that this destruction of the mission property was contrary to the promise which the governor had made to Mr. Rand, and without the least provocation of any sort on the part either of Mr. Rand or any other of our missionaries. Indeed, the services of Mr. Rand were made use of by the Spanish governor as a mediator between himself and the people at Oua, and in every respect Mr. Rand and the ladies there had proved themselves friendly to the Spanish authorities, and in earnest to bring about peace between the lawful authorities and the rebellious natives. The unfriendliness of the Spanish authorities is denoted in an emphatic way by the fact that after the destruction of the homes of our missionaries by his command no other residences were offered to them in place of those which had been destroyed, no regrets were expressed for the inconvenience to which they were put, no offer of compensation for the loss they had incurred. The act appears to be wanton and unjustifiable in every point of view, and lays a most powerful claim upon our Government to deal promptly and decisively with the Spanish Government, both in the way of indemnity for loss incurred and in the way of peremptory demand for the reinstatement of the missionaries in their homes and in their work, and security for their peaceful continuance in the same.

The letter of Mr. Rand, referred to above, dated September 20, seems to show that the Spanish authorities have made a discrimination between the German subjects resident at Ponape and American subjects resident there, and against the latter. The self-respect and dignity of our nation will not permit such a manifest partiality and injustice. The treaty rights between Washington and Madrid, established at the time when Spain set up her jurisdiction in the Caroline Islands, insured, as I supposed, the continuance of our missionaries in their residence and work in Ponape and the rest of the Caroline Islands, and their protection while they continued in the peaceful prosecution of that work. Step by step the Spanish authorities have encroached upon mission property and ignored the rights of missionaries and inflicted personal injury upon Mr. Doane without any adequate com-

pensation, and now have dispossessed our missionaries of their homes and work, have destroyed their homes and all their contents, and have virtually banished them from the islands.

If our Government under these conditions does not both demand and secure instant and ample reparation for these wrongs, what confidence can our citizens engaged in similar work anywhere in the world have in the strong or good purpose of their Government? What respect will our Government rightfully claim at the hands of the Spanish or any other power whose supposed interest will conflict with the observance of treaty rights and the claims of natural humanity? It is more than a question of protecting a few men and women at the island of Ponape. It is a question of the honor and dignity of our Government. Our missionaries have labored for more than thirty years in these islands and not a hair of their heads has been touched. They have by their deeds won the love and confidence of the natives. The Spanish authorities had not been on the island three months before there was open rebellion, the governor and his soldiers slaughtered, and now scarcely three years have passed and the rebellion has broken out afresh and taken larger dimensions. The difference is striking, and the comment it makes upon the spirit and purpose of the two movements is most impressive.

It seems to be plainly the purpose of the Spanish authorities to keep our missionaries out of Ponape and bring their work there to an end; and this is done at the hands of the Spaniards, one of the Christian nations of the world.

The heathen Emporer of China does nothing of the kind to the missionaries of our board or any other board that works within his Empire. The pagan kings and chiefs of Africa do not treat our missionaries so. And since the Spanish authorities in Ponape have gone so far in their unreasonable opposition as to violate property rights and personal rights, the exigency has plainly come which demands on the part of our Government immediate and adequate treatment.

We can not for a moment doubt that our Government will recognize the situation and will deal with it promptly and according to the manifest proprieties of the case. It is to be hoped that the Spanish authorities at Ponape both have transgressed instructions from Madrid, and will be promptly rebuked by the Government at Madrid. But it plainly is needful that the sense which our Government has of this course of events and its purpose to maintain with dignity and firmness every proper right of its subjects should be properly represented to the Government at Madrid.

In behalf of the great board which I have the honor to represent, numbering among its constituents the most intelligent and patriotic and worthy citizens of the land from east to west,

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

Miss Fletcher's journal of events.

PONAPE, *August 20, 1890.*

We arrived on Ponape about sunrise this morning; we came in at the Kenan Harbor; there we had to wait for the Spanish health officer to come on board; he soon made his appearance; the next step was the captain to visit the governor; we were anxious for his return, thinking he would get back in time to take us round to the mission station Oua that afternoon; but what was our surprise on his return to learn the M. S. could not go to Oua. It was a time of war. Oua was the contested ground, no vessel could enter there; worse still, none of our natives could come on board. We settled ourselves as best we could that night; the next day the captain took his boat and we all went ashore. We arrived at the station about dark. The natives were rejoiced to see us, and welcomed us as warmly as if there were no trouble; as soon as we could pass the crowd on the shore we went on up to the home, but it was only to find the work of years laid low. Miss Palmer and Mrs. Cole were still there and some of the girls, others having gone to their native homes. The question which now presented itself was, what were we to do? If the battle took place at Oua we could not remain in our homes. For two weeks we labored hard to bring about some settlement between the parties, but to no purpose; in the meantime two men-of-war made their appearance.

Tuesday, September 2.—We received notice from the governor to-night; the fighting is likely to occur any time after to-morrow morning; soon we must go somewhere. I had asked permission from the governor to take the girls on board the *Star* for protection; it was granted.

The tide would make between 5 and 6 o'clock in the morning. All must be ready *to go by that time*; with a heavy heart I had prayers with the children, trying to

get them to bed early that they might have a few hours of sleep; this being done, we completed our preparation for departure; at 4 all was again astir; the children were all got ready and placed on the veranda; at a quarter past 5 all were ready to move. I waited till every one was out, then closed the last door and turned the key, and the house was desolate.

That early morning procession by those who saw it is something not soon to be forgotten. The first mate from the *Star* had come in his boat to take us off. Finally we arrived on board. The next day the captain called on the governor to get his sailing papers; but to his surprise found he could not obtain them till he anchored up between the two men-of-war. "The *Star* was too far away from the colony, she must come nearer." Why? That was a question we could not answer; but there was nothing to do but obey; so we got up steam and anchored right between the vessels. The officers came on board. "Every one on deck" was the first order. They looked at the girls, asked if they were Americans, and so on, entirely forgetting apparently that they had given permission to bring them on the *Star*. They then told us we could not keep the girls without the written consent of their parents; we told them if they would give us a day or two we would obtain this; we had no trouble in getting the papers; we took them to the governor, but what was our surprise to learn the papers would do no good; the girls' parents were rebels against Spain, and nothing belonging to a rebel could be protected; our hearts sank within us; the girls must go; we now began to see the object in some things. The next question was the foreign girls; they, too, were Spanish subjects; we trembled every moment for fear some command would come for them. To the mind of all one thing was plain: the foreign girls must be taken out of the way for a time, but where would they go and who would go with them? It seemed to me I could do anything on earth but leave the island. The station of Kiti was safe; for a time some of us could go there, but who would go on the *Star*? Long and earnestly did I plead with Miss Palmer and Mrs. Cole to let me stay, but no, Miss Palmer thought she never could undertake the voyage with the children, while at the same time everyone felt our only hope of a school lay with these foreign girls. Could I go? I was so tired of rolling and tossing on the deep. Could I undertake the care of twelve girls, and, worse still, how could I leave the other dear people, though it was evident enough nothing could be done for them at present?

Thursday, 11.—We left Ponape at noon to-day; the dear girls occupy a small room by the side of my state room; we are a sad company.

Friday, 12.—All the girls except two or three are so seasick; they can not get up; it is very stormy.

Saturday, 13.—This is a very stormy day; how tired we are, being rocked to and fro. Oh, for a home on land! The two or three girls that are well gathered round me on a little mat, the rest lying on the floor, and thus we tried to have worship; my heart ached for them as they tried to sing, "Our way is often rugged while here on earth we roam." It is one thing to be sheltered by a good home in Micronesia, and another thing to be homeless wanderers on the deep.

Sunday 14, 1890.—It has been one squall after another to-day; I think I never saw a more stormy time than this.

Wednesday, 16.—We arrived at Kusaie last evening. The girls and I will be alone to-day; the captain and other passengers are going ashore; the plan is to stay here to-day and to-morrow, and Friday we are to start on our return to Ponape.

Thursday, 17.—Miss Little has kindly come on board to stay with me while we are in port, so I shall not be alone.

Saturday, 19.—We are to leave for Ponape to-day.

September 26, 1890.—We are now in sight of Ponape; we shall soon be anchored. The news that reached us is sad enough; the mission premises are entirely destroyed. The fighting commenced Friday, 12th, and the next Saturday, September 20, about 300 Spaniards went on shore and burned the church, Mr. Rand's house, Dr. Ingersoll's, and the "interior." The only thing left of the latter are the keys; these I had with me. Our very souls are filled with sorrow; that beautiful home where so many have been trained for the Lord, and which has been to you such a heavy expense, is laid in ashes. Think not that we left sooner than was necessary; most gladly would we have stayed and protected it had it been possible. The question now is, Shall we go to Kiti and try to make a station there; we are now on our way to the governor's to ask if the *Star* may anchor at Kiti. If so, I think I shall go ashore and try to hold the school together there. If they only had not destroyed our houses—but this seems too much, especially since there has not been the slightest aggression on the part of the mission. We have ever given all our influence to keep peace on the island, and more than once would things have been ten times worse for the Spanish had not the mission stood between.

October 3, 1890.—The *Star* left to-day for the east. Mrs. Rand and Miss Foss have gone to Kusaie. After much thought the rest of us decided to stay on Ponape for the present. When it came to keeping the foreign girls here in all the trouble we

hesitated considerable. I wanted Miss Palmer to take them and go to Kusaie, but she did not want to leave me here alone, and so long as the Ponapean girls can not go, I can not see my way clear to leave the school, at least till I hear from you. If we go now we can not get back for some months.

October 5, 1890.—The governor sent me word to-day I must have no more school with the girls. All the meetings are also stopped. What are we to do; how can we take care of the girls if we can not have school with them? Already they have lost more than they will gain in three years, not in books alone, but in everything. Three years ago our island was in a prosperous condition, but things have gone from bad to worse, till to-day sees all our schools and churches closed. What have we or they to hope for?

October 15, 1890.—Late last night news reached us that a company of 270 soldiers had left the colony and was coming overland to Kiti. Why or what for no one knows. A native has just come in, saying the army is within 3 miles of us. (We have been hearing heavy firing on the other side all day to-day.) This, with the news that has just reached us, is, indeed, a heavy care. One of our good natives has gone down to the river to watch for the army, and if they turn into the path leading to Solomon's house, where we are staying, he is to come and tell us.

October 16, 1890.—We were all seated on the porch yesterday when the native, who had gone to watch, came running back and said the army was coming to our house. We had only time to get the girls in the house when the first soldier made his appearance. Mr. Bowker happened to be here; he and I sat on the porch. Miss Palmer and Mrs. Cole were with the girls. Our first thought was they might pass on down the hill, but we soon learned this was not their intention. The yard was soon filled with men, and still they came. The officers occupied a few chairs, saved from the wreck at Oua, on the veranda. Things passed on quietly; they at once began preparations for the night; we soon decided we should prefer to have our charge a little farther away, so the girls and we went over to another's house to spend the night, and gave them complete possession. About 5 o'clock this morning we heard the bugle blow, the signal for rising; soon after they were gone. We came back to the house; they have gone on to Uarrener. What they took this long march overland for is a question we can not answer; every movement now seems mysterious.

October 17, 1890.—This morning about 4 o'clock we were awakened by a rap at the door. What now? was my first thought, but the well-known voice of our chief Nanapei called out, a letter; an American man-of-war in port. I wonder if you can realize what a feeling of relief it brought. Mr. Rand and Nanapei left at once to go on board, promising to send some word back as soon as possible.

October 20, 1890.—A letter has come from Capt. Taylor, of the American man-of-war, asking us to consider the question of going for a time to a place of safety. I can not find it in my heart to go unless I can take the school with me.

October 22, 1890.—Mr. Bowker came from the man-of-war to-night with word from Capt. Taylor that if possible he must have our decision by Saturday; we have sent word to him we will try and leave the matter to him and be guided by his judgment.

October 25, 1890.—Capt. Taylor sent one of his officers around to say it is his judgment and counsel we leave the island for a time. Long and earnestly did we talk this matter over. The reasons in favor and against this removal I can not write you now, but they are many. Lieut. Wood has now withdrawn and we are left alone to form a decision. Oh, dear friends in the home land, worlds for your counsel and judgment to-night. The only choice we have in the matter is to go and live in the Spanish colony or leave the island; the governor will no longer let us remain at Kiti or on any part of the island except with them. Under these circumstances what would you have us do? We feel that in Capt. Taylor we have a true friend, and we doubtless can not do better than depend on his judgment. He believes us to be in more danger than we realize, and is quite unwilling to leave us on the island while he goes away to report the state of things here. Fully do I realize the blood of the covenanters is not a good thing to have just at this time and place. With the burning of Protestant schools and churches and so on and so on, it mixes not well. To see the looks of sadness and discouragement that pass over the faces of our Christian people when we talk to them of going would melt the heart of anyone. "What will we do when you are all gone, what have you done that you have to leave?" are hourly questions now, to all of which we can only answer, we know nothing. They can not dread to see us go worse than we dread to leave, even if it is only for a time, but we can reason; they can not. Seeing our home is destroyed, our work taken from us, and we are confined to one spot on the island, it is a question worth considering if more permanent good will not come from a dignified removal than to stay amid the insults that are being heaped upon us here.

November 2, 1890.—A letter has just come from the American man-of-war, saying he has informed the Spanish that the conditions under which the missionaries can remain are such that he has advised us to withdraw for a time, and we have accepted the *advice*. Our vessel is to come for us to-morrow; we go to Kusaie. Capt. Taylor has

succeeded in getting the governor's consent to take most of the girls with us; some few who have good homes we will leave for the present. This is the darkest day of my life; our poor people feel perfectly discouraged, and no wonder; we have done all, everything we can, to so arrange things that we could still go on with the work here, but we can not do it, and once more in the history of the world His poor despised followers must arise and go. Those in authority seem unable to comprehend the fact that the very moment the missionaries left the island then worse trouble than ever had happened came; could Mr. Doane only have remained till someone else came things would never have become so bad, and yet right in the face of the fact that the missionaries were gone, the whole trouble is thrown on the mission. The Lord forbid that they should learn by sad experience that the work of the Lord has been their greatest protection here. After people have had almost forty years of light you may kill them, but you cannot enslave them. If the people are so very fierce how does it happen that missionaries have lived here all these years and never been touched? Even when the island was entirely heathen, did not Mr. Sturges and others live among them, and were they ever touched? So far from that his memory is held sacred among them. To what earthly power do these people owe all the light and peace and happiness that has ever come to them? What nation came here and taught them that there was something better than war, better than heathen dances, better than whisky; that there was a higher sphere for their wives and daughters than to be treated like animals—and more yet, that there is one God and Father who created them for his glory? Who, by substantial evidence, can prove one evil the American mission ever brought to or taught these people? And has not her work among them been a truly charitable one? What earthly good has she obtained for years of service given, for lives sacrificed, for funds expended? She asks for no earthly reward, but we are unwilling to see the rights of citizens of a nation friendly to Spain completely blotted out. We are unwilling to bear the insults and charges so unjustly brought against us. And, though we withdraw from her island, until convinced by sound and substantial evidence and by the word of God we can and will recant nothing we have ever done or said in regard to Spain or to any of her representatives here.

Kusaie, November 6, 1890.—That the work of forty years should be a failure; that all the time and life and money spent on Ponape should be lost, we are slow to believe. Right now is the time for action. Why, then, is the mission on Kusaie? To gather ourselves together to be placed in the future on Ponape in a position where we can work, where we can move, worthy of our calling and of the board who has committed this work to our care. If we as a board, as a mission, as a church, can afford to endure the heavy loss that will be ours if we permanently leave Ponape, is a question that will bear thinking about. May the Lord help you to come to a wise and just decision. We will do our best to keep the pupils we have with us all right. We will anxiously await some word from you.

Sincerely,

J. E. FLETCHER.

Mr. Rand to Mr. Smith.

KITI, PONAPE, *September 20, 1890.*

DEAR DR. SMITH: I wrote you the 8th informing you in regard to the trouble between the Spanish forces and the Metalimin tribe at Oua, June 25. Until this trouble the training school, under Henry Nanpei's care, and the fourteen churches under the care of the three ordained teachers whom Mr. Doane left in charge, were in a prosperous condition. Since then everything has been going down. Henry has done nobly with the school, or rather schools, as Miss Palmer could not have kept the girls together without him. He has also been a great help to the preachers and teachers in keeping up the meetings and schools at the fourteen villages where there are churches. He has had a great and responsible burden to bear and he has borne it well. With a more capable person in Miss Palmer's place, to advise him and the other preachers in charge of the work, there is a possibility the trouble may have been avoided. Miss Palmer was placed in a very trying position and she did just as well as she could. I found sixteen young men and five couples in the training school. One couple and two of the young men belonging to Oua remained there when we came to Kiti. I am doing all I can to keep the Christians in the other tribes from helping the Metalimin tribe. Henry is a great help in this. If the governor does not stop us from holding meetings, Henry and Solomon may be able to hold most of the people in this, the Kiti tribe. In regard to the Jekoity, Nut, and U, I am not so sure. Some from each of these tribes are already in it, and I do not know how soon the rest will go. I do not go about so much as I should if

the governor had not forbidden me to hold meetings in the Metalimin tribe, and hinted that he did not want any meetings in any of the tribes.

It is hard to tell just how much the doings of the lieutenant at Oua, which led to the trouble, is chargeable to the governor; but one thing is certain, he permitted them. From the fact that the governor allowed the lieutenant to build their church and priest's house right up against our church and upheld him in all his efforts to compel the natives to accept the Catholic religion, and from many things I heard in my interviews with the governor, I fear it is the intention of the Spanish Government to drive the mission from Ponape. We hope a consul will come soon if we are to have one. One of the first things for him to do is to see that our deeds are returned. The governor sent them to Manila three years ago, saying that they would be returned in less than a year. If they are returned without being acknowledged he will need to see that that the Spanish Government does the same by Americans that he does by Germans. A number of deeds given to Germans have been acknowledged, but not one of the many held by Americans. We had copies of the deeds at Manila, but I can not find more than two of them, Kiti and Mejinian; Mr. Doane had the others. Mr. Oldham or Mr. W. W. Hall may know of them; please get them, if possible, and send by consul. If there are any Ponape deeds registered at Boston, will you kindly get a copy of each and send me; also a copy of the one given to Mr. Sturges for mission purposes, a part of Oua. This was given some time between 1864 and 1873. Yesterday there was incessant firing from the ships. We think it was at Oua.

Monday, September 22.—News from Oua this morning. The firing we heard Friday was at Oua. There were four war vessels around them. The shells destroyed a great many breadfruit and cocoanut trees. Saturday two or three hundred Spaniards landed at Oua. After a severe battle, most of it being on the flats while they were trying to land, they succeeded in burning most of the native houses, the church, and schoolhouse; also all the mission houses. They then hurried on board their ships, pulled up anchor and were off for the colony, with the report that they had killed hundreds of the natives, Paul, the king, and most of the leaders of the trouble included. They only killed three natives; a number were wounded. From all we can hear, it seems that they maliciously destroyed every vestige of mission property. The houses were badly shattered before they applied the torch. I am sorry now that I did not bring all I could of the things in the houses at Oua around to Kiti. I should have done so, but the governor and colonel were so sure that our houses would not be destroyed I thought it was not necessary. I asked the governor if there was not danger that his men would burn our houses when they destroyed the native houses. He assured me it would be very easy for his soldiers to distinguish between a native house and a foreign.

October 2.—The *Morning Star* leaves us to day. It seems best for Mrs. Rand and Miss Foss to take a part of the training school to Kusaie and remain for awhile. It will relieve me of much anxiety to have them go, and, too, I shall be much freer to go about. I can live very comfortably with Henry. Perhaps by the time the *Star* returns things will be in a more settled state, though we can not tell. We are all well.

Yours, fraternally,

F. E. RAND.

Mr. Rand to Mr. Smith.

U. S. S. ALLIANCE,
Jamestown Harbor, Ponape, October 29, 1890.

DEAR DR. SMITH: Since arriving at Ponape I have written you twice. No. 1 goes with this; No. 2 was sent October 2. Since then our situation has been getting more and more complicated and critical. On the return of the *Morning Star* from Kusaie, September 27, she brought word that it was the opinion of all the missionaries there that it was neither wise nor safe for the Ponape mission to remain longer at Ponape. We Rands and Miss Foss agreed with them as far as the ladies were concerned, but thought it would be wise for me to remain awhile, even if the order to stop all meetings, which we hourly expected, should come. Miss Fletcher and Miss Palmer thought differently, and remained; but on receiving word from the governor, in less than forty-eight hours after the *Star* left, that all meetings and the schools were to be stopped, they deeply regretted not leaving on the *Star*. They hastened a messenger off to the colony to see if one of the two schooners there could be chartered to take them to Kusaie. The captain of the American schooner was willing to take them, but the governor refused to let Miss Palmer and Mrs. Cole leave the island. Mrs. Rand and Miss Foss took five young men of the training school with them. We did not ask for more, for fear that the governor would not let any

go. October 11 I went to the governor to see if one of his machinists could repair my launch. One of his first questions was, have you received my letter in regard to meetings? (I had not, but received it that same day. Copy inclosed.) He then brought up a great many false charges against me. Among the more important ones was that I was harboring rebels of the Menalanim tribe, and having dangerous meetings with them, feasting them. Also that I was one of the principal leaders in planning the breastworks built by the natives at Oua; and that the natives at Kiti were quiet and friendly to them till I went there. He said that I could not have any school or meetings of any kind with the natives. I could remain on the island, but if I disobeyed him in one thing I would be sent from the island. He said as the mission was to blame for the trouble between the Spaniards and natives, he did not think we would be permitted to resume our mission work. October 14, three hundred soldiers started from the colony for Uana, a village in the Kiti tribe, 25 miles distant, where they have a garrison. They were three days on the march. The second night they stopped at Ron Kiti. They went on this expedition to spy out the land and see what was the disposition of the natives toward them. One object of their going was to find something against the missionaries. The 15th instant, this vessel (the U. S. S. *Alliance*) came. His coming was very opportune, as the governor was doing all in his power to get us missionaries off of the island. Capt. Taylor's first meeting with the governor was rather a doleful affair on the governor's part; but the courteous, diplomatic way he was treated by the captain soon brought back a friendly feeling. You will hear from Capt. Taylor in regard to what he has done here, and why. He is a man of good judgment, and while he has been courteous and diplomatic in all his conferences with the governor, he has also been firm and demanded justice to us. There seems to be no doubt in regard to its being best for the ladies to leave the island, and they have decided to go. In regard to myself it is not so clear. But the nearer the captain gets to the end of his conference with the governor the more it seems that I will be compelled to go. The governor will not permit any of us to remain on the island only on one condition, viz, that we live at or near the colony, where we will be under his surveillance. I feel that this would not be best for the work. And if the captain's last conference with the governor does not prevail on him to let me remain under more favorable circumstances, I shall go to Kusaie, to remain till it is best for us to return.

RON KITI, *November 1.*—Capt. Taylor's interview with the governor did not develop anything to cause us to think it at all wise for me to stay. We will go Monday or Tuesday. We have left rather than remain as semiprisoners. As to when we will be permitted to return I can not say, but think it depends a good deal on what our Government is able to do at Madrid. In leaving the work, we do not yield any of our claims to a right to carry on our work anywhere in the Carolines. I think if you bring the matter promptly and strongly before our Government they will be able to reinstate us with a stronger hold than we ever had before. Of course, if we get back it will be by the permission of the Spanish Government. This permission you will be able to get through our Government, if at all. The fact that we as a mission have been here forty years, and also that we have had the permission of the Spanish Government since their possession, is greatly in our favor.

Fraternally,

F. E. RAND.

P. S.—U. S. S. *Alliance,* near Kusaie, November 6, 1890, 11 a. m.

We left Ponape 6 a. m. Tuesday, 4th instant; expect to land in about an hour. There has not been much fighting at Ponape since the 20th of September. They keep a man-of-war on the Metalanim side most of the time. She throws a few shells most every day. They are waiting for more troops. There is some prospect of their making one great effort to exterminate the Metalanim tribe, and if they do not succeed, give it up as too costly a job. Personally I do not believe they can subdue that tribe in less than six months or a year, and then only after a great loss of life to the Spaniards.

F. E. R.

Capt. Taylor to Mr. Smith.

U. S. S. ALLIANCE,
At sea, December 3, 1890.

DEAR SIR: When parting from Missionary Rand a few weeks ago, in the Caroline Islands, he asked me to send you copies of certain statements which he had submitted to me, and to write you some description of events occurring lately at the Island of Ponape. I send you, therefore, copies of the following papers:

Mr. Rand's statement of recent occurrences at Ponape.

The governor's proclamation of 20th of August calling in chiefs, guns, etc.

Governor's letter to Mr. Rand forbidding meetings.

Governor's proclamation of 11th October forbidding meetings.

Mr. Rand's statement regarding ownership and possession of mission lands, and deed of 24th June, 1870, confirming to mission title to certain land donated to it in 1852.

It may be well that I should give you a brief summary of the late events in Ponape, and my deductions therefrom.

First. For half a century the influence of American missionaries has been strong in Ponape; there has been a voluntary submission of natives to their influence in religion and civilization, but complete independence of any political authority, being ruled only by their native kings.

Second. The Spanish, compelled by German troubles to assert sovereignty in the Carolines, chose Ponape as their seat of government for the eastern Carolines, but found that the natives did not submit readily to their rule and religion; the blame of which state of affairs they assigned to the American missionaries.

Third. A bitterness thus begun three years ago has been intensified by the serious loss of life suffered by the Spanish in the late rising and massacre of June last, and in their assault upon the rebel position at Oua in September. Bitterness formerly suppressed, but now shown openly in a series of unjust and oppressive acts.

Fourth. These acts are of this nature:

(*a*) Accusations of inciting to rebellion, claims that the Spanish authorities have sure evidence of this in their hands, while no one is arrested, none brought to trial nor confronted with accusers nor with the evidence, though treated as guilty.

(*b*) Their mission church and their dwellings burned by the troops at Oa, stated to be a military necessity, but no shelter afforded them in lieu, no expression of official regret, no inquiry as to loss or reimbursement.

(*c*) Having withdrawn to the Kiti tribe, loyal to Spain, they are ordered to cease all meetings with the natives, thus stopping all their church and school work.

No limit of time is given except in answer to my direct inquiry "when the island becomes tranquil." This may be many years.

Fifth. Other acts less significant are the efforts of the Spanish authorities to extort evidence against the missionaries from a native prisoner, but the proof of this rests upon this prisoner's written statement, now in my possession. Also the refusal of the governor to permit two missionaries, Miss Fletcher and Miss Palmer, to leave the island in a schooner September 29.

Sixth. Without at present considering their religious character, for which I have great respect, I believe it to be unworthy the dignity of respectable citizens of the United States to continue voluntarily in this position of suspicion and oppression. I have therefore advised them to withdraw from the island, and await elsewhere the settlement of these affairs between the Governments of Washington and Madrid. They consenting, I have taken them and their native followers to Kusaie, Strong Island, in this vessel.

Seventh. They waive no rights or claims in withdrawing, and I have waived none for them. They simply retire for the moment (martial law and a state of war continuing in Panopé) from a situation injurious to their mission work and unworthy of their position as United States citizens.

Eighth. It is to be noted in all this that the Spanish, the lawful rulers of the island, have had much to provoke them, and they are so far correct in their statements that their subjugation of Ponapé to their rule and religion has been made more difficult by the teaching of American Protestant missionaries in the last forty years, but they in this have to do with an unfavorable, perhaps harassing condition of affairs, and not with the hostile or unfriendly act of any missionary.

They may naturally wish to have them leave the island, or at least discontinue their work there, for they have chosen it as their seat of government, and would probably wish to see their state religion alone followed there. Nor would this probably have been difficult to arrange with proper notification of our Government by Spain, and some indemnification settled upon between the two countries, but the Spanish, exasperated by their losses, have mistakenly attributed the rebellion to present action of the missionaries, and sincerely believing this, they have been led into an unjust and oppressive treatment of them, forgetful of the pledge given from Madrid to Washington, especially in regard to these missionaries.

The above divisions of the subject will express to you my idea of the general situation.

As to the future, our Government may or may not take action in the premises. If it does, it may demand that the missionaries be again received in Ponape, and new houses be provided for them, and other compensations made. Should this be effected, my advice to your board would be not to allow your missionaries to remain in Ponape under such or any arrangement, unless the Spanish should, as is possible, give up the island as a seat of government.

Its occupation has been expensive and disastrous to Spain, and her officers in Ponape

spoke strongly against continuing its occupation. Unless they do give up the Island I would say to you that no arrangement entered into by the home Government can possibly in my opinion prevent a clashing between the different religions and attendant outbreaks among the natives. I believe, also, that the Spanish are more likely to withdraw from Ponape if the American missionaries are for the moment not there. Afterward your missionaries could resume their work in Ponape.

I shall be glad to give you further information if you will let me hear your wishes in the matter.

It is possible that I may return (to Washington) in the spring, and if so, and should you desire to hear more, I shall be glad to confer personally with you.

Hoping that the affair may arrange itself to your satisfaction and for the benefit of your great work,

I am, etc.,

H. O. TAYLOR,
Commander U. S. Navy, Commanding.

Mr. Wharton to Mr. Newberry.

No. 138.] DEPARTMENT OF STATE,
Washington, October 12, 1891.

SIR: Referring to Department's No. 135 of the 6th instant, in relation to the injuries and losses suffered by citizens of the United States at the hands of the Spanish authorities in the Caroline Islands, I have to inclose herewith for your information a copy of a letter of March 18 last, from the Rev. Judson Smith, foreign secretary of the American board of commissioners for foreign missions, in which you will find a statement of the expenses which the American board has incurred in its work in those islands.

The work of the missions was begun in 1852. Since then it has gradually increased, and there has been a growing necessity for larger expenditures. It appears that up to the date of the last published report of the board, the total amount expended was $733,843. Of this amount nearly $100,000 has been used in constructing the missionary ships, which in succession have served to connect the mission with the United States, and to furnish it with supplies. The vessel called the *Morning Star*, which has been constantly mentioned in the recent reports, is the fourth of that name, and cost about $40,000. The amount expended on the mission last year was $39,782.

The letter of Mr. Smith contains other information, which it is unnecessary to recapitulate. What is stated in regard to the expenses and work of the mission will be useful to you in your correspondence with the Spanish Government.

I am, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

[Inclosure in No. 138.]

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Boston, March 18, 1891.

DEAR SIR: Recalling our conversation in a recent interview kindly given by you to Dr. Webb and myself relative to matters in Ponape, I desire to submit herewith a written statement of facts mentioned at that time, setting forth the expenses which the American board has incurred in establishing and maintaining work in the Caroline Islands.

The cost is not distributed equally through the several years since 1852, when the mission work began, but has gradually increased as the work has expanded and its necessities have enlarged from year to year. The total amount expended upon this work I find from our published reports to be $738,843. Of this amount nearly $100,000 has been used in constructing the missionary ships which, in succession, have served to connect the mission with our country and with mails and sources of supply. The present *Morning Star*, the fourth in the series, cost about $40,000, being a larger craft and in several ways more expensive in construction than any of its predecessors. The amount expended upon this mission last year, according to our report, was $39,782. The value of property belonging to the mission is at least $25,000, and if any fair valuation of the land which has been given from time to time by the native chiefs for mission purposes were considered this sum would be considerably increased.

Missionary residences are fixed at three of the higher islands of the group, Ponape being one of these. The easternmost point in the Caroline Islands occupied by our missionaries is Kusaie and the westernmost is Ruk, about 300 miles beyond Ponape. The value of the property on Ponape was greater than that upon either of the other islands, although but little in excess of that on the island of Kusaie.

Recalling the interest with which you listened to the oral statement of these facts, it has seemed well that you should have them in written form at command as you may desire in the correspondence with Spain. Allow me to assure you of the great pleasure I had in the interview two weeks since and to repeat what I then said, expressing the hope that in the correspondence between our Government and Spain an early and satisfactory conclusion may be reached.

I inclose a copy of a communication received recently from Rev. William H. Gulick, one of the missionaries of our board, who is established at San Sebastian in Spain, and who is very well informed in regard to the current of public opinion in Spain. The tone of the public press, as reported by Mr. Gulick, is certainly not very reassuring. But if anything were needed to that end this certainly makes the course of duty and honor for our Government in the present crisis all the more plain.

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

[Inclosure.]

Spain in the Caroline Islands. By the Rev. Wm. H. Gulick.

The fears that were awakened when, in the year 1887, Spain took possession of the Caroline Islands and founded a military station on the island of Ponape, are being confirmed. Her occupancy is fast taking on the character of a devasting conquest by force of arms. Friends of Spain, who were also friends of the United States and friends of the American missionaries on those islands, had hoped against hope that the lion and the lamb would lie down together peaceably and that the civilization that Spain found on Ponape, the result of Protestant Christianity, would be fostered and protected. There seems to be no longer any ground for such hope.

The events that culminated in the burning by the Spaniards, on the 20th of last September, of all the houses belonging the American board's missionary station at Oua, on the island of Ponape, have been fully stated. They began in May. The Spaniards insisted on "building on land belonging to the mission and within 6 feet of the mission church," and which was regarded by the natives as an outrage.

For a week the Spanish press has been ringing with the news of a sanguinary encounter between the Spanish troops and the natives in the latter part of November. This news seems to have been first received in brief dispatches via San Francisco and London, but is first confirmed and amplified by letters from Manila received in Madrid on the 12th of January, and which have just appeared in the Madrid papers. The news was brought to Manila in the merchant steamship *Uranus*, which was under hire of the government, and which, sailing from Ponape on or abont the 26th of November, reached Manila on the 8th of December. The story gathered chiefly from El Liberal and El Globo is in substance as follows:

It would seem that since the events in June matters have been going from bad to worse, and the authorities, preparing for an active campaign against the natives, had called for reënforcements from Manila. On the 14th of November the steamship *Uranus* reached Ponape with one hundred and forty men, under the command of a *Col.* Serrano. On the 22d of November active operations began. The attack was made at Metalanim. The landing of the troops was effected with difficulty, in water

up to the waist, and the advance on land was no less difficult, through swamps and almost impenetrable thickets and over impassable roads.

When the troops met the main body of the natives they were found strongly lodged behind a triple line of intrenchments. The first was of stone nearly 5 feet high and flanked by a deep ditch; then a space covered with bushes, in which were concealed snares and thorns and broken glass, to pass over which caused cruel wounds to the feet and legs of the soldiers; and, lastly, a palisade strongly built of trunks of trees and bamboos and another ditch. "All this we took," says the chronicler of El Globo, "all fell into our hand, by a skillful flank movement not expected by the Methodist Yankees, who undoubtedly directed the defense;" but it cost the lives of eighty men, and some of the papers insist that in the different columns operating against the natives during these three or four days not less than three hundred of the government troops lost their lives.

To account for such disaster it is explained that these "savages are not savages in matters of war. They have good arms—Winchester and Remington and English rifles—and they know how to intrench themselves well, and they are ably directed." It is also explained that no one who has not visited those tropical islands can form any idea of the natural obstacles with which the troops have to contend in a campaign against the natives. "The ground held by the natives is veritably impassable. Compared with it the mango swamps and the jungles of Cuba are open ground and highroads. Impenetrable thickets, concealing rocks and precipices, in which, besides fighting with an invisible enemy, one must struggle with unscalable cliffs, with the densest undergrowth and with bogs and swamp. Over such ground our soldiers had to march in Indian file, holding one to the other as a support from stumbling and falling. Under such circumstances regular attack and defense are impossible, and the natives have double advantage."

The Spanish press is greatly excited over the news, and there is much bitterness of feeling at the thought of good Spanish blood being shed by those "savages," and the demand is made that it should be promptly avenged.

La Epoca, an influential Madrid newspaper, in an article quoted approvingly by El Globo, Señor Castelar's paper, says:

"The Spanish public, for the most part, thinks that the work commenced by Spain in the Caroline Islands is that of colonization; that is to say, pacific, without danger, and simply making the land productive and civilizing the inhabitants. This is a mistake. That work will come in time, but for the present we have to conquer.

"This was what Spain found it necessary to do in Santo Domingo, and later in Cuba, and what we are now engaged in with Jolo and Mindanao. France has had to fight with and to conquer Tonquin, and is doing now the same in Senegal and on both banks of the Niger. Italy tried to colonize Abyssinia, but after terrible disaster at Dongali, has had to conquer the natives by force of arms. England and Germany are in continual warfare with the aborigines, with varying success, in their African possessions. * * *

"We do not, therefore, shut our eyes to any of the difficulties in the way of state colonzation of distant countries where there exists a hostile population, and one that is skillful in the use of firearms. Notwithstanding all the difficulties, we do not think that there is reason for vacillation, and still less for retreat. The enterprise does not exceed the forces of the nation."

To this El Globo adds:

"The allusion to Santo Domingo is opportune, and it well behooves us to think vigorously upon the case. * * * Is it true that our strength and resources are such as to permit us to embark upon such an enterprise? If so, we repeat what has before been said in these columns: Instead of sending frequent and feeble reënforcements, let us send an army of three or four thousand men. Let us make the sacrifice and finish the work at a single stroke.

"Listening to the voice of patriotism, let us not stop to ask what profit there may be to us in a sovereignty gained and exercised at such great cost. Nor will we stop to throw the responsibility on this or that political party; but in view of the attitude of the Methodists [*sic*], before expelling them we must demand from the Government at Washington such indemnity as is reported they are claiming of us.

"After we shall have subdued the Kanakas and made them feel our power, there will be time to study in cool blood the mercantile and strategical importance of those islands and to decide what is best to do with them. Meanwhile we strenuously oppose the fatal system of sending repeated but insufficient reinforcements, which only serve the purpose of slaughtering Spanish soldiers and of spending enormous sums of money."

This from El Globo, which was so just and moderate on the occasion of the insurrection of 1887, is ominous indeed. And it is especially painful that El Globo and El Liberal, the leading republican papers, as well as El Imparcial and La Epoca, monarchical, join in bitter complaint of the American missionaries as the cause of all the trouble.

El Imparcial says: "It is not to be doubted that the American missionaries have, without cause, been the promoters of the trouble, and have taken part in all the disturbances."

El Globo says: "It is reported that interested parties in the United States are beginning to excite public opinion against us, with a view to demanding of Spain indemnity for the events of Ponape. We do not believe that the North American Republic will give heed to the claims of certain missionaries who are more traffickers than propagandists." And later: "As though our difficulties in Ponape were not enough already, it is officially announced that the Spanish legation in Washington has received the demand on the part of the American Government for indemnity for alleged injuries received by the Protestant missionaries on Ponape. We do well to say that these injuries are only alleged, and that the missionaries well deserve our vengeance for exciting the natives against us."

El Liberal says: "It is well that we should understand what is happening in the United States, so that the Spanish Government may take such measures as may be necessary to protect our interests in the Caroline Islands against the influence of the North American residents in Ponape and against the seeds of discord the American missionaries are there trying to sow."

SAN SEBASTIAN, SPAIN.

Mr. Newberry to Mr. Blaine.

No. 152.] LEGATION OF THE UNITED STATES,
Madrid, October 30, 1891. (Received November 12.)

SIR: I have the honor to inform you that the Spanish Government have refused an exequatur to Mr. H. L. Rand as United States consul at Ponape, Caroline Islands, for the reasons as given in his excellency's note, a copy and translation of which is inclosed.

I took the liberty of requesting information on the subject from Baron von Stumm, the German ambassador to this court. A copy of our correspondence is also inclosed.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 152.—Translation.]

The Duke of Tetuan to Mr. Newberry.

MINISTRY OF STATE,
Palace, October 28, 1891.

DEAR SIR: On the 3d of November of last year you were pleased to address me a note transmitting, in behalf of Mr. Herbert L. Rand, a commission as United States consul at Ponape (Caroline Islands), and requested that the proper steps should be taken for the recognition of said gentleman in his official capacity.

Her Majesty's Government, inspired by the most lively desire to please that of the United States, whose friendship it appreciates in a high degree and desires to draw closer, if it is possible, has made a careful examination of the matter for the granting of the exequatur corresponding to this appointment, but it is sorry to say that it is impossible to issue said exequatur, taking into view the important events which have occurred in the Caroline Islands, and it is of opinion that the time has not yet come for admitting foreign consuls with residence in said islands.

While having the honor of informing you of this and returning to you the commission referred to, I earnestly trust that the United States Government, which you so worthily represent in this court, will recognize the well-founded reasons of prudence on which the resolution of that of Her Majesty in this particular is based.

I willingly avail, etc.,

THE DUKE OF TETUAN.

[Inclosure 2 in No. 152.—Translation.]

Baron Stumm to Mr. Newberry.

My DEAR MR. NEWBERRY: I hasten to inform you that the German consul at Manila also exercises his functions on the Caroline Islands, where we have neither consul nor consular agent.

The arrangements reached with Spain concerning the Carolines does not contain anything in regard to consular authorities established there. Therefore I can but confirm your surmises.

With my best feelings,

B. STUMM.

Mr. Newberry to Mr. Blaine.

No. 157.] LEGATION OF THE UNITED STATES,
Madrid, November 7, 1891. (Received November 23.)

SIR: I beg to inform you that under the instructions contained in your No. 135 of October 6 I have sent to the Spanish minister of state a note, together with copies of the inclosures sent with your No. 135. I may say that I have held this note back a short while, believing that I would obtain a favorable reply to my request asking the Spanish Government to remove the prohibition against American pork. I did not feel justfied in doing so any longer.

I have, etc.,

H. R. NEWBERRY.
Chargé d'Affaires ad interim.

Mr. Blaine to Mr. Grubb.

No. 149.] DEPARTMENT OF STATE,
Washington, November 14, 1891.

SIR: I have to acknowledge the receipt of Mr. Newberry's No. 152, of the 31st ultimo, reporting the refusal of the Spanish Government to issue its exequatur in favor of Herbert L. Rand, of Illinois, appointed consul of the United States at Ponape, Caroline Islands.

I am, sir, etc.,

JAMES G. BLAINE.

Mr. Grubb to Mr. Blaine.

No. 190.] LEGATION OF THE UNITED STATES,
Madrid, January 16, 1892. (Received January 29.)

SIR: I have the honor to inclose herewith a copy and translation of a note which I have just received from the Spanish Government in reply to the representations of the United States regarding the treatment of the American missionaries in the island of Ponape.

I have, etc.,

E. BURD GRUBB.

[Inclosure in No. 190—Translation.]

The Duke of Tetuan to Mr. Grubb.

MINISTRY OF STATE,
Palace, January 17, 1892.

MY DEAR SIR: The kind note of the chargé d'affaires *ad interim* of the legation now under your worthy charge, which he was pleased to address me on the 4th of November last was duly received, as also its inclosures.

Having examined with interest the contents of the above-mentioned note in reference to the missionaries (American citizens), long ago established in the Carolines, I ought, in the first place, to state to your excellency that Her Majesty's Government has given this subject especial attention, desiring to show the Government of the United States with how much interest its observations are received.

As soon as the bombardment of Oua took place, and in consequence of the same the destruction of the church and other property of the Methodist missionaries established in Ponape, sad events which the Government of Her Majesty is the first to deplore, an immediate investigation was directed to be made of the affair and of the losses suffered, so that upon the facts it might decide the course to pursue, animated by the same friendly feelings which it has always shown towards the Government and citizens of the United States.

The orders of the Government having been duly and scrupulously carried out, there results from the investigation referred to—

1. That the American church and other property destroyed at Oua had no sign on it to denote its foreign nationality, not even the inscriptions which the politico-military governor of the Eastern Carolines had given to the Methodist missionaries in order that their buildings should be recognized.

2. That the destruction of these buildings was caused in legitimate defense by the fact of the native insurgents using them as their stronghold, keeping up from them a hot fire against the Government troops. The destruction of said buildings had as an object the avoiding that they might in future act as an obstacle to the military operations which were being carried on; and

3. That the protest presented by the American missionaries, regarding the establishment of a Spanish Catholic mission at Oua, did not allege any right of property as to the grounds on which the Spanish mission was going to be established; it did not even mention that it would be inconvenient or incommodious to them, but the protest was exclusively based on the idea that from the proximity of both missions the Protestant singing might annoy the Catholic mission.

The conclusions given above will be enough for your excellency and the Government you so worthily represent to appreciate in the same manner as that of Her Majesty the character of the occurrences of the Caroline Islands during the last insurrection of the natives. The imperious though lamentable necessities of war were the sole cause for the destruction of the property belonging to the North American missionaries, without any breaking of the laws of neutrality on the part of the Spanish officers and authorities, through adoption of the measures forced upon them by the circumstances set forth.

It is not possible, therefore, to admit that from this fact, the lawfulness of which has been perfectly justified, any responsibilities of any kind should arise.

Her Majesty's Government has a warm desire to be able to continue lending their aid and protection to the American missionaries resident in the Caroline Islands, thus complying with what the Government had the honor to state to that of the United States in 1885, when the question with Germany was still pending. In fact, the Government would see with the utmost pleasure the said missionaries lay aside all spirit of prejudice (prevencion) toward the Spanish authorities, and confining themselves simply to their religious and humanitarian purposes without any political significance or interference whatever in the matters and questions of the locality, in this wise contribute indirectly to the work of peace and civilization undertaken by Her Majesty's Government in those remote regions, an integral part of the national territory.

Your excellency will recognize that it is absolutely indispensable for the good government of these islands that all their inhabitants shall respect and obey the legitimately constituted authorities, neither giving origin to nor furthering conflict of any sort whatever; this being so, the Government of Her Majesty will not see itself constrained to adopt such measures as will avoid difficulties of an internal character, and at the same time put off all possibility of international irritations (rozamientos).

In the letter addressed by the politico-military governor of the Eastern Carolines on the 25th of October, 1891, to the commander of the United States man-of-war *Alliance*, your excellency must have read the charges which, with noble frankness, he formulates against the action of some of the American missionaries, and it cer-

tainly must have called itself to the attention of your excellency that the missionaries themselves praise the prudence and tact displayed by said authority—a fact which gives greater value to his judgments and assertions.

However, the Government of Her Majesty, aspiring to please that of the United States, lays aside such charges, and trusts that the continuance of the American missionaries in the Carolines will not give rise to any difficulties as to the progress and peaceful development of that Spanish colony. In this intelligence it will continue dictating further instructions.

In respect to the case of Mr. Doane, of which mention is also made in the note to which I have the honor to reply, it is very pleasant for me to state to your excellency that Her Majesty's Government awaits some evidence (antecedentes) which must soon come from the Governor-General of the Philippines, in order to settle the same with all haste possible and in the most just and equitable manner.

I take advantage, Mr. Minister, of this opportunity to reiterate to your excellency assurances of my highest consideration.

THE DUKE OF TETUAN.

Mr. Grubb to Mr. Blaine.

No. 210.] LEGATION OF THE UNITED STATES,
Madrid, February 13, 1892. (Received March 5.)

SIR: I have just had an interview with the minister of state, the Duke of Tetuan, at which I earnestly pressed upon his attention the fact that American pork is prohibited in the new tariff, and went over again with him all the arguments which I have used before on several occasions in support of our desire that this prohibition should be removed. I strongly impressed upon him the incongruity of the position that Spain has assumed in allowing pork and lard to enter Cuba and Puerto Rico comparatively free of duty and yet preventing them from coming to the ports of the Peninsula at all. He said that the matter was in the hands of a committee of doctors, and he knew of no reason why they had not reported.

I then suggested that, as that was the case, it would be well to have a report immediately. He said he would write at once to the committee and say the matter was urgent and must be attended to at once.

I have, etc.,

E. BURD GRUBB.

Mr. Wharton to Mr. Grubb.

No. 193.] DEPARTMENT OF STATE,
Washington, March 14, 1892.

SIR: I have to acknowledge the receipt of your No. 210, of the 13th ultimo, in the matter of the prohibition of American pork in the new Spanish tariff, and your efforts to effect its removal.

The Department commends your earnest and constant attention to this important subject, and hopes to learn at an early date that this unjust prohibition has been removed, as you expect it soon will be.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Mr. Grubb.

No. 198.] DEPARTMENT OF STATE,
Washington, March 24, 1892.

SIR: I have received your No. 190, of January 16 last, indorsing copy of the Duke of Tetuan's note of January 11, stating the views of the Spanish Government in regard to the destruction of the mission property at Ponape.

Setting aside the arguments advanced to disclaim the responsibility of the Spanish Government in this regard, and for the deportation of Mr. Doane, the purport of the note seems to be that the reëstablishment of the mission will be permitted, and that on receipt of advices still awaited, the question of personal indemnification of Mr. Doane will be adjusted on satisfactory terms.

I am, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Grubb to Mr. Blaine.

No. 244.] LEGATION OF THE UNITED STATES,
Madrid, May 5, 1892. (Received May 20.)

SIR: On several occasions since my last dispatch to you regarding the prohibition on American pork, I have inquired of the Duke of Tetuan when the report of the medical committee having the matter in charge might be expected, and last Saturday, April 30, I received information from a private source that the report had been prepared and was adverse to our interests. I obtained an interview on that same afternoon with the Duke of Tetuan, and he informed me that the report was adverse. I told him that I must decline to accept such a report, which I felt sure must have been made from an entirely *ex parte* statement, and asked his permission for an interview with Mr. Canovas upon the subject, which he immediately granted me, and for which I at once applied by note.

It happened that I had been invited, with my family, to breakfast with Mr. Canovas at his house on Monday, the 2d of May, and after breakfast, in his library, I took occasion to broach the subject to him informally, and without mentioning my knowledge of the report of the committee, of which he did not seem to be aware. I had time and opportunity for a somewhat lengthy conversation upon the subject, and left him, I believe, considerably impressed with our views upon the matter.

On Wednesday, May 4, I received a note from Mr. Canovas, appointing an interview at his house on the 5th of May, at 1:30 p. m., at which time and place he received me, and I had a very long and, I feel, satisfactory interview with him on the subject. I went over the arguments on our side carefully and at length; dwelt strongly upon the injustice of the prohibition, not only regarding the unfriendly act in itself, but of its injustice in view of the action of other countries in rescinding it, and also of the monstrous incongruity which Spain shows in allowing the importation of our pork to her colonies and prohibiting it to the peninsular. I also showed him the proofs I had obtained that American pork was brought into Spain and sold here, coming from England.

Mr. Canovas heard all I had to say, and carefully and attentively *listened* to my presentation of the matter. He then said that he was

aware that the medical committee had reported adversely to the sanitary condition of our pork, but "that he did not intend to receive that report as final, that he would take the matter up himself," "acquaint himself thoroughly with it," and that "he believed and hoped that the result would be satisfactory to us."

The interview then terminated, and I feel confident that the matter is in a very favorable condition.

The prohibition which has just been placed by England upon Spanish beef is inopportune for us, as the Spanish farmer is a very considerable factor in the solution of this matter.

I have the honor, etc.,

E. BURD GRUBB.

Mr. Grubb to Mr. Blaine.

No. 250.] LEGATION OF THE UNITED STATES,
Madrid, May 14, 1892. (Received May 28.)

SIR: I have to inform you that I had, just now, another interview with Mr. Canovas, at his house, upon the subject of the prohibition on American pork.

I asked him if he had taken up the matter himself, in accordance with his promise to me, as reported in my No. 244, and he replied that he had; that the report of the doctors was merely a medical opinion, and that he did not think they had treated the matter seriously.

He said he would give me his answer in four or five days, and remarked, in closing the interview, that "he believed we would arrange it satisfactorily."

I am now preparing a memorandum, in Spanish, which I intend to hand Mr. Canovas, in which I have grouped and condensed the various arguments which, from time to time, I have urged upon his Government in this matter, but it is impossible to send you a copy of same by this mail, which is now closing.

I have the honor, etc.,

E. BURD GRUBB.

Mr. Grubb to Mr. Blaine.

No. 252.] LEGATION OF THE UNITED STATES,
Madrid, May 19, 1892. (Received June 2.)

SIR: I had the honor to send you the following telegram:

I am authorized to inform you that the prohibition on the importation of American pork into Spain has been taken off.

I received, this morning, information from the Count of Casa Miranda, private secretary to Mr. Canovas, assuring me that the prohibition on the importation of American pork into Spain had been taken off, and that the royal decree, announcing this fact, would be published before the end of this week.

At 2 o'clock I had an interview with the Duke of Tetuan in the ministry of state, and he also informed me officially of this fact. I may add the duke expressed himself as well pleased with the result of the negotiations, and congratulated me upon the course I had taken in refus-

ing to accept the report of the medical committee, and in taking the matter personally to Mr. Canovas.

I inclose a copy and translation of the argument with which, at the close of my last interview with Mr. Canovas, I furnished him.

I am, etc.,

E. BURD GRUBB.

[Inclosure in No. 252. Translation.]

Mr. Grubb to Mr. Canovas.

LEGATION OF THE UNITED STATES,
Madrid, May 14, 1892.

EXCELLENCY: Permit me to concentrate for your excellency's convenience the declarations of the United States upon the subject of the prohibition on American pork by Spain.

The United States most respectfully petitions that you will raise this prohibition, for the following reasons:

First. That this article of good and cheap food, though it may have been, at the time the prohibition was placed upon it, impure, by the carelessness of those who managed it, is, by reason of the care which is now exercised in its production and preparation, a wholesome and sanitary article of food.

Second. That all the other great nations who, with Spain, found it necessary to place a prohibition upon this article, having investigated, have, in the interests of right and justice, rescinded their prohibition, and Spain is the only great nation which still retains it.

Third. That the great possessions of Spain are now, and have been for some time, freely using this article of food without the slightest detriment to the health of the people, and in view of this it would seem greatly unjust to declare that it is an unwholesome food for the people of Spain.

Your excellency will observe that the United States does not complain of the tariff of Spain, which is, perhaps, sufficiently high to prevent the importation of American pork; but it respectfully asks that an article of food that is in universal use by the people of the United States, and also by the people of some of the great Spanish possessions (by the permission of Spain), and in the preparation of which the greatest possible care is now exercised, shall not be condemned as unwholesome, and therefore injured in the eyes of the world by the great nation of Spain.

Accept, etc.,

E. BURD GRUBB.

Mr. Grubb to Mr. Blaine.

No. 254.] LEGATION OF THE UNITED STATES,
Madrid, May 22, 1892. (Received June 2.)

SIR: I have the honor to inclose herewith a translation of the royal decree taking off the prohibition on the importation of American pork in this country and its dependencies.

I am, etc.,

E. B. GRUBB.

[Inclosure in No. 254. Translation from the Epoca, May 21, 1892.]

United States pork.

The following instructions in a royal decree, dated yesterday, have been issued by the ministry of the interior:

First. Pork coming from the United States of America is free from microscopical inspection and the payment of the correspondent duties established in the second section of the decree of November 9, 1887, always (provided) that the cases that contain this merchandise come accompanied with a certificate of origin and of in-

spection made in accordance with the law promulgated in that nation the 3d of March, 1891, and the assurance given in this manner that the above-mentioned meats do not contain trichina or any other cause of danger to the health of the consumers.

Second. Pork from the above-mentioned country that does not come accompanied with a certificate, which gives it this excellence, shall continue to be subject to that which is ordained in the above-mentioned section 2 of the royal decree of November 9, 1887. It is the duty of the medical directors (health officer) and the experts to verify this inspection in the custom-houses of the frontiers, to report monthly to the general direction of health and safety; the number of cases inspected, nature of the contents, whence they come, name of the ship on which they come, and the result of the inspection.

The prohibition established by the royal decrees of February 28 and July 10, 1880, against introduction into the Peninsula and the adjacent islands of grease coming from the United States of America which has not been obtained by fusion (the action of fire), still continues in effect. Grease prepared in this manner (fusion), and lard without any flesh, continues free from inspection and from bringing a certificate of inspection from the place from which it comes.

The general direction of health and safety will inform the proper officials concerning the law and regulations of the United States of America, above referred to, in order that they may be carried out.

Mr. Grubb to Mr. Blaine.

No. 257.] LEGATION OF THE UNITED STATES,
Madrid, May 25, 1892. (Received June 13.)

SIR: I had the honor to send you last night the following telegram:

Royal decree published to-day removing restrictions of decree of November 9, 1887, on pork coming from the United States. All that is now required is certificate of origin and of inspection in accordance with the law of the United States March 3, 1891. All greases prepared by action of fire and also fat bacon are exempt from inspection here and from bringing a certificate of inspection from whence they come.

I now inclose a note from the Duke of Tetuan and translation dated May 24, 1892, formally announcing the removal of the restriction upon the importation of American pork into this country and the adjacent Spanish islands.

I am, etc.,

E. BURD GRUBB.

[Inclosure in No. 257—Translation.]

Duke of Tetuan to Mr. Grubb.

MINISTRY OF STATE,
Aranjuez, May 24, 1892.

EXCELLENCY: With reference to the notes of your legation relative to the importation into Spain of pork meats proceeding from the United States, I have the honor to make it known to your excellency the antecedents communicated to me by my colleague, the minister of the interior, and the resolutions which upon this matter have been taken by His Majesty's Government.

The preventive measures contained in the royal order of July 10, 1880, were demanded by the necessity of avoiding the development of diseases the germs of which existed in many of the meats imported from North America, as it was found out by their microscopic analysis. The Government of the United States acknowledging, no doubt, the right of lawful defense of public health which issued the above mentioned measures of cautiousness in Spain and other countries established under date of March 3, 1891, a series of most important measures intended for the prevention of the importation of live stock and meat which are not accompanied with a certificate of origin and salubrity issued by official surveyors.

His Majesty's Government at once appreciated the efficiency which such dispositions would bring towards securing public health without interrupting traffic, and

later on the foundation of its views was confirmed by the experience of their execution, and in this sense it has decided to substitute for the preventive regimen of 1880 another, in which, the provisions of said law of the United States being adopted, the control and watchfulness which guarantee the imperious duty of looking after public health are not neglected on the part of Spanish administration. Said system is contained in the following rules:

First. Pork meats proceeding from the United States are exempted from microscopic examination and payment of corresponding duties established in rule 2 of the royal order of November 8, 1887, provided that the boxes containing said merchandise shall come accompanied with the certificates of origin and inspection issued in accordance with the law passed in that nation on March 3, 1891, and it is certified in the same certificate that the above-mentioned meats are free from trichinæ or other causes of danger for the health of the consumers.

Second. The pork meats of the above-stated place of origin which shall not come accompanied with the certificate already mentioned, shall continue subject to the provisions of said rule 2 of the royal order of November 9, 1887. The maritime health officers and the individuals authorized to make that survey in the custom-houses of the frontiers must report every month to the direction general of charity and health of the number of boxes which have been examined, the nature of their contents, place of origin, the name of the vessel which brought them, that of the consignee, and the result of the survey.

Third. The prohibition established by royal orders of February 28 and July 10, 1880, on the importation into the Peninsula and adjacent islands of greases proceeding from the United States of America which have not been obtained through pression continues in force. The greases so prepared and bacon without muscular part continue to be exempted from examination and the obligation to carry a certificate of examination from the place of origin.

Fourth. Through the charity and health direction general the proper officers shall be informed of the law and regulations for its execution issued by the United States Government, and which is referred to.

I avail myself, etc.,

EL. DUQUE DE TETUAN.

Mr. Foster to Mr. MacNutt.

No. 251.] DEPARTMENT OF STATE,
Washington, July 12, 1892.

SIR: I have to inform you that the commanding officer of the U. S. S. *Bennington* has been ordered to proceed with that vessel from Montevideo to Palos, Spain, and to arrive there by the 1st of August next, to take part in the celebration in honor of the sailing of Columbus from that port.

You will acquaint the minister of foreign affairs with this information.

I am, etc.,

JOHN W. FOSTER.

Mr. MacNutt to Mr. Foster.

No. 285.] UNITED STATES LEGATION,
Madrid, August 8, 1892. (Received August 22, 1892.)

SIR: I have the honor to report to you that I arrived in Madrid yesterday morning, returning from the centenary celebrations at Huelva.

The length of my stay in Huelva was much greater than I had designed it or supposed it necessary to be in company with the ministers of Haiti and Mexico and the Spanish gentleman forming the representative commission of the central junta. I left Madrid on July 29, arriving in Huelva the night of the 30th, the inconvenient train service *obliging* a day's stop in Seville, both going and returning.

At the boundary of the province of Huelva we were met by representatives of the centenary commission, consisting of the arch-priest and two citizens of Huelva, and formally welcomed to the province.

At the station in Huelva were the civil governor, the alcalde, several gentlemen of the commission, and the officers of the Mexican man-of-war *Zaragoza* lying in the harbor to welcome us. I am glad to express my satisfaction with the elaborate and careful arrangements for our comfort made by the authorities of Huelva. We lodged in the best fashion, and were treated with every consideration possible. On the 31st the minister of the marine arrived from Cadiz, escorted by several Spanish and foreign ships and with the *Sta. Maria.*

The *Sta. Maria* lay over night in the bay, and the next day went to Palos.

The first two days were occupied in an expedition to Sta. Maria de la Rabida, and the making and receiving official visits of the local and foreign personages assisting at the celebration on the 2d of August. A mass was appointed to be said in the village church of Palos, where Columbus on that day in 1492 heard mass. On the morning of August 3 the *Santa Maria* weighed anchor, and, the wind being contrary, was towed out to sea by a Spanish man-of-war, and escorted by some seventeen vessels, Spanish, Mexican, Dutch, Austrian, English, and French. Passing outside the bar a long detour was made, and the procession of ships passed between the lines of the great men-of-war ranged outside the harbor.

The *Sta. Maria* fired from her little falconets a salute, which was at once responded to by a thundering cannonade from all along the line that lasted half an hour, and covered the sea with such a smoke the silhouette of the little *nav.* was barely distinguishable.

The weather, which had at first been cold and gray, cleared, and the sun came out.

I was on board the *Pelay*, a Spanish vessel placed at our disposition by the minister of the marine, and which followed a little distance from the *Sta. Maria.*

The scene was a most imposing one. Above the roar of the cannon could be heard the cheers of the sailors who manned the rigging, and strains of music. The enthusiasm left nothing to be desired.

As the *Sta. Maria* passed the United States cruiser *Newark*, the Mexican cruiser coming immediately astern swinging around the *Newark*, the sailors gave three rousing cheers for the United States Navy.

Next beyond the *Newark* lay four Italian vessels, the last in the line, and the ships that from their immense size and splendid appearance attracted most attention.

The numbers of the ships present were as follows: England, three, and two torpedo boats; Italy, four; France, two; Argentine Republic, two; Mexico, Austria, Portugal, and Holland, each, one; the United States, one; of Spanish ships, I think there were seven. The United States cruiser *Bennington* arrived two days after the function was over.

It is to be regretted that our naval representation was not more numerous; the more so, as the *Newark* was too large to get over the bar, and consequently the *Sta. Maria* was escorted out by only a Mexican vessel, and no American flag was seen in the harbor of Huelva during their celebrations.

The remaining days of the festivities were occupied by a bullfight, a civic procession, grand illumination of the town and bay, a high mass, sung by the Bishop of Lyssa, Vicar-Apostolic of Gibraltar, a public

meeting of the Columbina Society, and the banquet given by the minister of the marine and followed by a ball. At this banquet the speeches were made by the minister, who toasted the King and Queen Regent and the foreign sovereigns and heads of states there represented.

The Mexican minister toasted the Spanish navy and the foreign navies represented.

The Italian admiral toasted Spain; the captain-general of Andalusia toasted the union of the army and navy. Our departure on the morning of the 6th was attended by the same friendly demonstrations as our arrival had been.

The Spanish Government and the authorities of Huelva may be congratulated upon the successful issue of these celebrations.

I have, etc.

FRANCIS MACNUTT,
Chargé d'Affaires ad interim.

Mr. Foster to Mr. Snowden.

No. 6.] DEPARTMENT OF STATE,
Washington, September 7, 1892.

SIR: The Congress of the United States, at its recent session, adopted a resolution, a copy of which is herewith inclosed, authorizing and requesting the President to convey to Don Cristoval Colon de la Cerda, the Duke of Veragua, the Marquis de Barboles, his brother, and Don Cristoval de Larreategui y Aguilar, his son, with their families, to attend, as the guests of the Government and people of the United States, the opening ceremonies of the World's Columbian Exposition, by which it is intended to commemorate the four hundredth anniversary of the discovery of America, at the city of Chicago, in the State of Illinois, on the 1st day of May, 1893.

It was deemed especially appropriate that the living descendants of Christopher Columbus should participate in such commemoration, and share the honors that the nations of the world will there assemble to pay to the man and event which stand preëminent in American history. You will, therefore, at your early convenience, present in person to the gentlemen named copies of this letter and the resolution adopted by Congress, and express to them the earnest desire of the Government and people of the United States that it may be their pleasure to accept this cordial invitation.

I am, &c.,

JOHN W. FOSTER.

Mr. Foster to Mr. Snowden.

No. 7.] DEPARTMENT OF STATE,
Washington, September 7, 1892.

SIR: The Congress of the United States at its recent session adopted a resolution, of which a copy is herewith inclosed, authorizing and requesting the President to convey to Her Majesty the Queen Regent of Spain and His Majesty the King, Don Alfonso XIII, an invitation to attend the opening ceremonies of the World's Columbian Exposition at Chicago, Ill., on the 1st day of May, 1893.

In pursuance thereof, I inclose the letter of the President, with an office copy, the former of which you will present to Her Majesty the

Queen Regent, in person if agreeable to Her Majesty, with the expression of the earnest desire of the Government and people of the United States that it may be accepted.

I am, etc.,

JOHN W. FOSTER.

BENJAMIN HARRISON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To Her Majesty DOÑA MARIA CHRISTINA,
Queen Regent of Spain.

GREAT AND GOOD FRIEND: The Senate and House of Representatives of the United States in Congress assembled, on the 5th of August last, expressed by public resolution the earnest and universal wish of the Government and the people that Your Majesty and His Majesty the King, Don Alfonso XIII, should honor them by attending, as the guests of this nation, the opening ceremonies of the World's Columbian Exposition, by which they intend to commemorate the four hundredth anniversary of the discovery of America, at the city of Chicago, in the State of Illinois, on the 1st day of May, 1893.

This desire of the Government and people of the United States that the successor of the Queen whose gracious patronage made the memorable voyage of Christopher Columbus possible should participate in the intended celebration in honor of the man and the event is especially appropriate; and it would afford me deep gratification should it be the pleasure of Your Majesty and His Majesty the King to accept the cordial invitation thus tendered.

Availing myself of this gratifying occasion to renew the best wishes of this Government for the peace and prosperity of Spain, I pray that God may ever have Your Majesty in His wise keeping.

Written at Washington this the 5th day of September, in the year 1892.

Your good friend,

BENJ. HARRISON.

By the President:
JOHN W. FOSTER,
Secretary of State.

Mr. Foster to Mr. MacNutt.

No. 272.] DEPARTMENT OF STATE,
Washington, September 26, 1892.

SIR: I inclose herewith, for your information, a translation of a note of the 15th instant from the minister of Spain at this capital, and a copy of the reply of the Acting Secretary of the Navy of the 23d instant, in relation to the participation of a vessel of the United States in the ceremonies attending the trip of the Queen Regent from Cadiz to Huelva, on the 8th of October next, to dedicate the Columbus monument at that city.

I have communicated this information to the Spanish minister.

I am, etc.,

JOHN W. FOSTER.

[Inclosure in No. 272.]

Commodore Ramsey to Mr. Foster.

NAVY DEPARTMENT,
Washington, September 23, 1892.

SIR: Replying to your letter of the 16th instant, I have the honor to inform you that Rear-Admiral A. E. K. Benham, U. S. Navy, has been ordered to proceed to Cadiz, Spain, with the United States flagship *Newark*, by the 8th of October next, and to accompany the Queen Regent of Spain when she leaves that port for Huelva to dedicate the Columbus monument at that city.

Very respectfully, etc.,

F. M. RAMSEY.

Mr. Snowden to Mr. Foster.

No. 3.] UNITED STATES LEGATION,
Madrid, October 7, 1892.

SIR: In reply to your instruction, No. 6, of the 7th of September, concerning the delivery of the President's invitation to the Duke of Veragua, chief of the house of Columbus, and to his brother, the Marquis of Bárboles, and to his son, Don Christopher Columbus of Aguilara, I have the honor to inform you that this has been done. I beg to inclose herewith a copy of my letter to his grace fixing the hour of 5 o'clock on the 6th of October for the formal delivery of the invitation, and also a copy of his reply to this. At the appointed hour I proceeded to the palace of the duke, accompanied by Mr. Francis MacNutt, the secretary of legation, and Lieut. McCarty Little, the naval attaché. I had deemed it proper and becoming to invite Rear-Admiral Luce, U. S. Navy, the commissioner-general; Lieut. Calwell, his chief of staff; Mr. Wm. E. Curtis, Prof. Wilson, Dr. Fewkes, Mr. Hough, and Mr. Culin, of the commission, to be present at this ceremony.

All these gentlemen were in the uniform of their respective grades or in full dress. We were received with ceremony at the palace, the salons of which were well decorated and brilliantly illuminated. The Duke of Veragua wore the full uniform of grand admiral of Spain, with the cordon of Charles III; the Marquis of Bárboles, the uniform of a commander in the Spanish navy. Absence from Madrid prevented the Duchess of Veragua and Don Christopher Columbus y Aguilera from being present.

After the formalities of reception, I read a speech, of which I inclose a copy, and delivered copies of the President's invitation and the act of Congress. The duke, who appeared profoundly touched by the terms in which he was addressed, opened the letters and read them aloud, in English; an English translation of his speech in reply is herewith inclosed.

During the moments of cordial and informal conversation which followed both gentlemen expressed very warmly their appreciation of this act of the Government of the United States, and assured me that no effort would be spared to overcome all obstacles to their coming to America at the date indicated.

We withdrew from the palace with the same ceremonies that attended our reception.

I have, etc.,

A. LOUDON SNOWDEN.

[Inclosure No. 1 in No. 3.]

Mr. Snowden to Duke of Veragua.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, Spain, October 5, 1892.

SIR: The Congress of the United States at its recent session unanimously adopted a resolution extending to yourself, your brother, the Marquis de Barboles, and your son, with your families, a most cordial invitation to attend the opening ceremonies of the World's Columbian Exposition at the city of Chicago, in the State of Illinois, on the 1st of May, 1893. The Secretary of State of the United States has honored me with instructions to present this invitation and copies of the resolution of Congress to yourself and the members of your family, which it will be my privilege to do as soon as I am formally presented to Her Majesty the Queen.

If it will suit your convenience I shall be pleased to perform this gratifying duty at such place as you may name, at 5 o'clock on the afternoon of Thursday, the 6th instant, and I shall be pleased if you will convey the contents of this communication to your brother and son, and invite them to be present with such other members of your family as you desire to witness the ceremony.

With assurances, etc.,

A. LOUDON SNOWDEN.

[Inclosure No. 2 in No. 3.—Translation.]

Duke of Veragua to Mr. Snowden.

MADRID, *October 5, 1892.*

EXCELLENCY: I have had the honor of receiving the polite invitation in which your excellency is pleased to inform me of the commission intrusted to you by the Government and the people of the United States of America on the occasion of the resolution recently adopted in regard to myself, my brother, the Marquis of Barboles, and our families, inviting us to the inauguration of the exhibition which will take place in the city of Chicago, in the State of Illinois, on the 1st of May, 1893.

This testimony of respectful deference to the memory of the discoverer of America, whose unworthy representative I am, is very pleasant to me, and it will be for my family an honorable distinction which it will always remember and will serve to render livelier our sympathies for your great nation.

We will, therefore, be most delighted to wait for you on next Thursday, at the time you had the kindness to appoint, and to know through so honored a channel the terms of the invitation with which the Congress has distinguished us.

On such a signal occasion, we have the honor to be your obedient servant.

THE DUKE OF VERAGUA.

[Inclosure No. 3 in No. 3.]

Remarks of Mr. Snowden.

HONORED SIR: I am instructed by my Government to present to your grace, to your brother, the Marquis de Barboles, to your son, and the other members of your immediate family, copies of a resolution unanimously adopted by the Congress of the United States at its last session.

This resolution, which I am commissioned to deliver into your hands, embodies the sentiments of the people and Government I have the honor to represent at this court, and gives expression to the earnest desire universally entertained in the United States that, during the approaching ceremonies which are to commemorate the discovery of a New World, you and your kindred should become guests of the nation which enjoys the largest benefits from the achievements of your illustrious ancestor.

We deem it especially appropriate that the living descendants of Christopher Columbus should be present at the celebration to share in the honor that the world will pay to the memory of a man who, as the letter which accompanies the resolution so justly declares, stands preëminent in American history.

You may rest assured, sir, that from the moment you reach our shores you and your family will be the guests of an appreciative and patriotic people, whose hands will be outstretched in a cordial welcome, and whose hearts and homes will be open to receive you.

This invitation is not a mere formality, but, on the contrary, an expression of the earnest wish of my countrymen that you accept their hospitality and become their honored guests.

In the celebration which is to commemorate the four hundredth anniversary of the greatest event in all history, it is proposed to illustrate the advance made within that period in the arts and sciences, in the development of the world's resources, as well as the intellectual and moral growth of the great mass of humanity. On this memorable occasion every nation will be represented, and the civilization of the Old World, following the course of your ancestor, will meet in friendly rivalry with that of the New in a city which typifies, perhaps more than any other, the enterprise, the wealth, and the genius of the American people.

No nobler tribute could be offered to the achievement of man than will be presented in this majestic assembling of the nations.

I fully appreciate the privilege and honor that this occasion confers upon me, in being the medium of conveying to you and your family an invitation that carries with it an offer of unbounded hospitality of sixty-five millions of people.

[Inclosure No. 4 in No. 3.—Translation.]

Remarks of the Duke of Veragua.

Mr. MINISTER: The distinction with which I have been honored by the President of the Republic of the United States of America, on making use of the authorization which was given to him by the Chambers, affords to me the gratification of knowing the feelings of that people towards my family.

The Chicago Exposition being intended to commemorate the fourth centenary of the discovery of the New World, by celebrating that transcendant event in history, is of capital interest in the history of America, and pays just homage to the glory of Columbus, whose unworthy representative I am by direct line.

The remembrance of the great celebration which will take place next year in the city of Chicago would always be pleasant to us; but the considerate kindness of which we are the recipients, through you, constitutes the highest honor that could be conferred, and we can only meet it by accepting the kind invitation of the American people, unless some cause superior to our will should prevent.

I request you, Mr. Minister, to make known to your Government our feelings of gratefulness, and receive our high consideration, which also is extended to the distinguished persons who accompany you on this occasion.

Mr. Snowden to Mr. Foster.

No 6.] LEGATION OF THE UNITED STATES,
Madrid, October 20, 1892. (Received November 8.)

SIR: I have the honor to inform you that I have this day returned to Madrid from assisting at the fourth centenary celebrations in Huelva and Sevilla in commemoration of the discovery of America.

The official invitation to be present at these ceremonies, indicated the 9th instant as the desired date for the arrival of the foreign representatives in Huelva, and it was on the evening of that date that I reached Huelva, accompanied by Mr. MacNutt, the secretary of legation, Lieut. McCarthy Little, the naval attaché, and the official messenger.

The representatives of the South and Central American Republics and of Portugal were also guests of the Government, and the ambassador of the King of Italy likewise. No other members of the diplomatic corps were invited.

The only Latin-American plenipotentiary not present was the Mexican minister, who, it was stated, had been detained in Madrid by duties connected with the Mexican exhibit and a certain congress, held at this same time.

On the 10th, which fell on a Monday, the Queen Regent and the King, together with the Infantas and the entire court, the ministers of state and of marine, and others arrived from Cadiz, their Majesties being on board the *Conde de Venedito* and escorted to the bar of the Huelva harbor by the greater ships of such navies as were represented in Cadiz; amongst these, and first in the line, was the United States cruiser *Newark*, with Admiral Benham on board.

The Government had placed a man-of-war at the disposition of the diplomatic and other representatives in Huelva, and it was on board this ship, in company with the president of the council, Señor Canovas del Castillo, that we went down to the bar to meet the sovereigns. The customary salutes were fired from all the ships as the *Conde de Venedito* passed into the harbor, closely followed by such of the smaller vessels, whose tonnage not being too great, as could pass the bar. Amongst these was the Spanish-built nao Santa Maria and our own caravela

The queen and king, with those in attendance, debarked at the landing stage of Santa Maria de la Rabida and proceeded in carriages to the convent, whither the archbishop coadjutor of Sevilla, the bishops of Badajoz and of Burgos, Franciscans, and a large body of clergy, and the civic and military authorities of Huelva had already gone to receive them. At the convent a Te Deum was sung in the church and a luncheon served.

The diplomatic corps meanwhile came ashore and awaited the return of the Queen from the convent. A place was reserved upon the pier and the corps was joined by the foreign admirals and commanders and other personages in their respective places.

Upon her return to the landing stage, the Queen stopped and spoke to several of the diplomatic corps before going on board her ship.

The following day the ceremonies at which we were invited to assist consisted of a reception held by the Queen in the town hall, followed by the review of a civic procession composed of cars representing the arts, trades, and sciences, and at the conclusion of which Her Majesty sat down to luncheon with the diplomatic representatives, the president of the council, and the minister of state. At 5 o'clock the Queen closed in person the congress of Americanistas and in the evening a second and largely attended reception was held.

At this reception such heads of missions as had commanders of squadrons to present were received first, and the minister having presented admiral or first officer in rank, he in his turn presented the officers of his squadron.

There were but two admirals present, *i. e.*, the admiral of the Italian squadron and Admiral Benham, U. S. Navy.

Admiral Benham was afterwards asked to sup at the Queen's table, a mark of favor which an indisposition prevented the Italian admiral from sharing with him.

On the 12th of October, the ceremony of dedicating the monument commemorating the discovery of America, which has been erected before the gates of the convent of Sta. Maria de la Rabida, was performed with much pomp and solemnity in the presence of the Queen and King and all the representatives of foreign powers and an immense concourse of people.

The religious function began by a Te Deum in the Convent church, at which a large representation of distinguished clergy assisted the Archbishop of Sevilla, and was concluded by the customary rites of the Catholic church at the base of the monument.

An address was delivered by a member of the Columbian society of Huelva and another by the bishop of Badajoz. The Queen then transferred to the Franciscan Order the convent and its property, to be by royal charter in their perpetual custody.

Christopher Columbus, Duke of Veragua, was then decorated with the collar of the Golden Fleece. The duke was not present in person.

The official ceremonies were concluded by the act of dedication.

The Queen afterwards visited Palos and Moguer, and there were illuminations of the town and harbor in the evening. On the 13th the journey to Sevilla was made.

Certain of the foreign ships went up the river to Sevilla, and also the Queen's vessel. Her Majesty and all the court people and diplomats went by train. A stay of three days had been planned in Sevilla before proceeding on to Granada. This plan was completely upset by the illness of His Majesty the King.

This indisposition, while not of gravity to cause serious alarm, con-

fined and does confine the King to his bed, and has caused the indefinite postponement of the finishing ceremonies in Granada, and, by delaying these and the return of the Queen to Madrid, has also deferred the opening of the exhibition here fixed for the 21st instant.

The festivities in Sevilla were naturally somewhat marred by this regrettable event and the evident anxiety it was causing the Queen. There was a gala night at the opera, a military torch light procession, a reception at the palace, banquet illuminations, and other functions, as originally planned.

At the conclusion of these, and in the absence of any certain knowledge as to when the court might be able to move on to Granada, I followed the example of the Italian ambassador and other colleagues, and renouncing my original intention of being present until the conclusion of these celebrations, left Sevilla yesterday, the 19th, and, as before stated, arrived in this capital this morning.

The Spanish Government may be congratulated upon the successful issue of these festivities in Huelva, which, indeed, passed off with no untoward event or accident.

The untimely illness of the King has been the only drawback to the national jubilation.

I have, etc.,

A. LOUDON SNOWDEN.

Mr. Foster to Mr. Snowden.

No. 25.] DEPARTMENT OF STATE,
Washington, November 3, 1892.

SIR: I take this opportunity at the beginning of your mission to instruct you specially with respect to the pending differences between this Government and the Government of Spain relative to American missionaries at Ponape, in the Caroline Islands.

No sooner did the Spanish Government assume authority over these islands, in 1887, than the rights of the American missionaries, who for thirty-five years had resided there in peace, began to be seriously infringed. Their persons were molested, their lands seized, and their buildings and mission premises finally destroyed. In November, 1890, having been burned out of house and home, and inhibited from doing any Christian work, they were temporarily removed as a measure of prudence to Kusiaec Island, 300 miles distant, to await the settlement of their difficulties. This removal was accomplished by Commander Taylor, of the U. S. S. *Alliance*, who had been sent to Ponape to make a full investigation. A copy of his report accompanied the Department's full instruction of October 6, 1891. You will attentively study that instruction and report, and the other correspondence on file in your legation with respect to this matter, in order that you may thoroughly familiarize yourself with all the details of this unfortunate affair.

On the 16th of January last, Mr. Grubb transmitted to the Department a copy of a note received from the Duke of Tetuan, dated January 11, being the reply of his Government to Mr. Newberry's note of the 4th of November preceding. In acknowledging the same March 24, it was stated that "setting aside the arguments advanced to disclaim the responsibility of the Spanish Government in this regard, and for the deportation of Mr. Doane, the purport of the note seems to be that

the reëstablishment of the mission will be permitted, and that on receipt of advices still awaited, the question of personal indemnification to Mr. Doane will be adjusted on satisfactory terms."

The language of the Duke of Tetuan's note in this regard is not so specific as might be desired, but it was understood that he assented to the return of the missionaries and the full resumption of their work. Indeed no other course could accord with the distinct assurances which the Spanish Government has repeatedly given the Government of the United States of its purpose to respect the rights and privileges of American citizens in the Caroline Islands, and in particular of the American missionaries. In resuming their benevolent enterprise this Government relies upon the assurance of the minister of state to your legation October 15, 1885, that "nothing was farther from the intention of the Spanish Government than to seek to hamper or embarrass in the slightest degree the work of Christianizing and teaching," in which these missionaries were engaged, "it being determined, on the contrary, to favor and permit such beneficent results to the extent of its ability." (Foreign Relations, 1886, p. 833.) If the local authorities of Ponape have not already been informed of the renewed purpose of Her Majesty's Government to permit and foster the resumption of their praiseworthy labors, you will ask that proper instructions in that sense may be sent them without delay. The secretary of the American board of commissioners for foreign missions, under date of the 20th ultimo, has informed me that their missionary vessel has called at Ponape with the missionaries once or twice within the past two years, and that while the governor has personally borne himself with all due courtesy, he has declared himself unable to give the missionaries welcome back until he has authority from Spain. As soon as you can obtain information that appropriate orders have been sent to the governor you will immediately notify me.

I regret that the Duke of Tetuan should have thought it necessary to reiterate the charges against the missionaries of abetting or aiding the natives' resistance to Spanish authority. They were formulated, as he says, in the letter of the politico-military governor of the Eastern Carolines to Commander Taylor, October 25, 1891, but the charges were then unsupported by the production of evidence and they remain so now. They are sufficiently negatived by the very circumstances of the case. Not only do the instructions of the home society expressly forbid all interference by the missionaries with the political affairs of the country where they dwell, but in fact when the rising of the natives first occurred in June, 1890, Mr. Rand had been absent from the island eighteen months and the venerable Mr. Doane some five months. The only white persons connected with the mission who were present were two lady teachers. Were it conceivable that they were capable of exercising malicious political influence over the natives, any intelligent white person must have known that the resistance of the natives to Spanish authority was perfectly hopeless and that political disorder would only retard and perhaps undo, as it in fact so largely has done, the work to which for thirty-five years the American missionaries at Ponape had devoted their lives. Every possible interest of theirs was on the side of law and order and the efforts of Miss Palmer and Mrs. Cole, and, after his return, of Mr. Rand also, to restore quiet, deserves praise and recognition, not complaint. The Spanish priest, Father Augustine, and his assistant owe their lives and their escape from the fury of the mob to these ladies and some of their native friends.

But furthermore, the charges referred to are fully met by the positive

evidence collected by Commander Taylor, copies of which have already been furnished the Spanish Government. In his language it makes it certain "that the American Protestant missionaries have in no way, by speech or action, at any time incited the natives or favored their rising, or any acts of rebellion against the lawful authority of Spain." I do not hesitate, therefore, to direct you to give to Her Majesty's Government the assurance it desires that the missionaries will "lay aside all spirit of prejudice towards the Spanish authorities and confine themselves simply to their religious and humanitarian purposes," although protesting at the same time that they have not failed to do so heretofore.

Inasmuch as the Duke of Tetuan relies upon the letter of Governor Cadarzo, of October 25, 1891, and indeed it is the only document of which this Government has knowledge to which he does refer, it is proper that I should speak of it briefly. An attentive consideration of the letter discloses that the real burden of the Governor's complaint is not that the missionaries in some vague and remote way have abetted the resistance of the natives, of which he claims to have heard rumors "from the lips of foreigners and some of the natives," but rather that the American missionaries were established upon the islands at all. I will quote one paragraph of his letter in full:

> But as satisfied as I was for so long a period with all the natives of the island, it grieves me to say it, and I do so with concern, that the influence of the Methodist missionaries, I am convinced, in no way favored the interests of Spain, much needing, as you will understand, the support of all in the first years of her dominion. The Methodist missionaries, I repeat, have managed to make proselytes, setting aside everything else to the end that the missions may exist and it may not be said that the Government of Spain has not shown them the way to follow, for in all the acts of life it has reflected the disinterestedness of the mother country, and the marked material profit they have received from it. As well before as after our arrival, they had received a direct contribution paid by all the families of the island and by all those whom they had caused to embrace the Christian religion. This tax exists even in these days, and consists in the payment of twenty cocoanuts for each married couple, and five for each child and adult baptized. It is true that such contributions they are taught to say is for the all-powerful God, but, in fact, it would be more just that this real and effective tribute should be paid to the Spanish nation, which is making so many sacrifices to encourage and civilize these unfortunates almost savage. For if they were not so they would not comply with such a grudge of the unjust contribution which they pay, with so much more reason, as there exist on the island other worthy missionaries who teach a healthy morality and a form of the Christian religion, which for these natives is exactly similar, without molesting in any way the meagre rights of the natives.

This Government cannot take into consideration the particular sect of these missionaries. It is now known that they belong to the Methodist denomination, although it is understood that they were Protestants. Were they Catholic, the relation of this Government to them would be precisely the same. It sympathizes with their work because Christian. It accords them protection because American. The quotation which I have made from Governor Cadarso's letter discloses the real animus of the local authorities to the American missionaries, and how, forgetting the promises of their Government to protect and foster, they were easily inclined to annoy and vex them.

The first complaint made in 1887, was of the harsh and unjustifiable treatment of the venerable missionary, Mr. Doane. Worn out by his hardships he undertook in 1890 to return to this country for the purpose of recruiting his health, but died at Hawaii. So long ago as November 8, 1887, the minister of state admitted that the local authorities had "unduly acted" against him. The question of proper reparation was fully discussed in the Department's instruction of October 6,

1891. With respect to it I am gratified to learn that Her Majesty's Government simply awaits some evidence which must come from the Governor-General of the Philippines in order to "settle the same with all haste possible, and in a just and equitable manner."

There remains the general question of reparation to the American Board of Commissioners for Foreign Missions, for the injuries done to their property and interests by the local authorities at Ponape since the Spanish occupation (copy of letter from the Board, March 26, 1892, inclosed). For these injuries the Government of Her Majesty disclaims liability upon the strength of an investigation which it has caused to be made, and from which it has arrived at certain conclusions of fact, which are stated under three heads. The evidence in support thereof or even its general character is not disclosed, so that it is impossible for me to fully discuss these conclusions or to produce evidence in rebuttal were that thought necessary. I may say, however, that they are but little pertinent to the question at issue. They are, in their order:

1. That the church and other American property destroyed at Oua had no sign on it to denote its nationality, not even the inscriptions which the politico-military governor of the Caroline islands had given to the American missionaries in order that their building should be recognized.

This is quite immaterial unless it is intended to assert that it was destroyed through ignorance of its American character. But so far as I am aware, neither in the correspondence between the two governments nor in the negotiations between Commander Taylor and the governor, has there been any suggestion that such was the case; nor can I believe that it is intended to make such a point now, so contrary to all of the admitted facts.

2. That the destruction of these buildings was caused in legitimate defense by the fact of the native insurgents using them as their stronghold, keeping up from them a hot fire against the government troops. The destruction of said buildings had as an object the avoiding that they might in future act as an obstacle to the military operations which were being carried on.

The charge that the natives used these buildings in their resistance to the Spanish troops is disputed by the missionaries. (See copy of letter of American Board of Commissioners for Foreign Missions, April 15, 1892, herewith.) But whether they were so used or not, Mr. Rand and the ladies, with the approval of the governor, had left Oua some days prior to the engagement there, making it impossible for them to control their houses, and equally impossible to assign to them any fault if they were used hostilely. If the native insurgents used the mission premises at Oua for resistance, the responsibility belongs to them alone who, from the first, were acting contrary to the advice and entreaties of the missionaries. Even if military exigencies were thought to require its destruction, it must be remembered that the property was devoted simply to Christian purposes, and had been promised the especial protection of the Spanish authorities. Indeed during these very troubles the mission had afforded an asylum to the Spanish priests. Relying, therefore, upon the ancient friendship of Her Majesty's Government and its interest in every humanitarian work, I shall be much disappointed if, on that account, it should be any the less anxious to make good the loss.

3. That the protest presented by the American missionaries regarding the establishment of a Spanish Catholic mission at Oua did not allege any right of property as to the grounds on which the Spanish mission was going to be established; it did not even mention that it would be inconvenient or incommodious to them. But the protest was exclusively based on the idea that from the proximity of both *missions the Protestant singing* might annoy the Catholic mission.

At the time of the occurrence in question the only American missionary on the island of Ponapé was Miss Palmer. You will find her statement of the matter accompanying the letter of the American Board of Commissioners for Foreign Missions, dated April 15, heretofore referred to. It appears therefrom that although her protest with respect to the question of property rights may not have been in the strict legal form, there was no reason for the Spanish authorities failing to understand that the American missionaries claimed the land which was taken. Indeed the governor seems to have taken occasion to deny their right to it, showing that that point was not overlooked. Furthermore, more than two years prior to the taking of the missionaries' land at Oua, the governor had required them to deliver to him their title deeds in order that they might be sent to the Governor-General, at Manila, for approval. They were not returned as he promised at the time, nor have they been yet, although your legation under the instructions of the Department protested on January 18, 1889, against their retention. It is impossible to conceive how the Spanish authorities could have had better notice of the extent of the land claimed by the missionaries when they actually had exclusive possession of the title papers. It never has been suggested before and I can not believe that that view is intended to be pressed now, that the local authorities seized the land in question in ignorance of the fact that the American missionaries claimed it as their own. But even if the land were taken in ignorance of its ownership, that fact would not relieve the Spanish Government from the duty to restore it to its rightful owner or to make just reparation therefor.

I have thought it proper to thus review the incidental questions raised by the Duke of Tetuan's note in order that the main issues may not be obscured. They have been so fully discussed in previous instructions that there is no necessity for me to add thereto. In all due respect, it is submitted, therefore, that this Government has a right to expect (1) that explicit instructions will be sent without delay to the local authorities at Ponape to allow the missionaries to return and resume their work; (2) that explicit instructions will be sent for the immediate return to them of their title-papers, which for over four years the Spanish authorities have wrongfully retained; (3) that their land shall be restored to them. This not only applies to land at Oua, but at Roukiti, Santiago, and other places; (4) that a proper reparation shall be made for the destruction of their premises and injury to their property; (5) that some proper reparation shall be made for the personal injuries to Mr. Doane.

I desire, if possible, that this matter should not be left to the formal interchange of notes, and therefore, as soon as you can familiarize yourself with the papers, you will endeavor to make it a matter of personal conference with the minister of state. It is desirable that you should arrive at some common understanding with him as regards the facts. That would be hastened, I am sure, if he would courteously furnish you with a copy of the report of the investigation to which he referred in his note of January 11. Copies of the report of Commander Taylor, and of the evidence collected by him, were furnished him at the time. For your assistance in this matter I have arranged with the Secretary of the Navy that Commander Taylor should proceed to Madrid as early as possible. You will make such use of his services as you may be able. His high standing as an officer and a gentleman, and his unprejudiced investigation entitle his conclusions to great weight, and certainly his observations of fact to perfect reliance.

This whole case requires to be handled with much prudence and a reasonable degree of patience, but relying upon the high sense of justice of Her Majesty's Government, I cannot doubt that the just expectations of the United States will be generously met at an early day. It is five years since this unhappy controversy began; abundant time has elapsed for the Spanish Government to collect the necessary information to adjust the rights and claims of the missionaries, and you must urge the Duke of Tetuan not to further delay a settlement.

You will keep me fully informed of your action in the premises.

I am, etc.,

JOHN W. FOSTER.

[Inclosure 1 in No. 25.]

The American Board of Foreign Missions to President Harrison.

(Received March 26, 1892.)

To the PRESIDENT:

At the last meeting of the American Board, October, 1891, a special committee was appointed to lay before the President of the United States a statement of the treatment by the Spanish Government of one of our missionary stations at Ponape, one of the Caroline Islands. For thirty-five years, or from 1852 to 1887, the Micronesian missions have been in existence employing in all forty-eight missionaries, the first of whom were Rev. H. A. Sturges and Dr. Luther H. Gulick. Including the expense of the four ships built for the purpose of communicating with them by American children, the mission has cost $733,643. As a partial result of this outlay on the Ponape Island, Rev. Mr. Doane wrote in 1887 that the people had given up polygamy, the making and use of intoxicating drinks, and that four of the five little kingdoms on the island had become Christian; while in that fifth kingdom were two hundred and seventy-five church members.

In July, 1886, the Spaniards came and the missionaries assisted in interpreting for them, they giving the strongest assurance that the work of the mission should not be interfered with. On March 13, 1887, came a Spanish man-of-war with a governor for the islands, several officers, fifty soldiers, twenty-five convicts, and six Capuchin priests. The governor renewed the assurance of perfect religious freedom for all. But before June following all but two of the nine mission schools had been closed by him; while he insisted that the language taught in the schools should be Spanish, and that no distinctively Protestant instruction should be given. Meanwhile the natives were encouraged to return to the use of the kava plant as an intoxicating drink, and houses of ill fame were established for the accommodation of the Spanish soldiery, to save themselves from which many of the young girls were driven to take refuge in the boarding school attached to the mission.

Soon after their landing in 1887, the Spaniards began to build on land deeded to the missionaries in 1870, seventeen years before the arrival of the Spaniards. Against this unlawful seizure, Mr. Doane sent in a formal protest, and a day or two later he was arrested by an officer with a squad of soldiers, and imprisoned on board the man-of-war. His missionary associate, Mr. Rand, was not permitted to see him. This was without due process of law, and, as afterward explained, because he had spoken of the governor's method as arbitrary, Mr. Doane claiming that he should be permitted to prove his right to the land by the testimony of credible witnesses, which the governor refused. After having been kept a prisoner till June 11, Mr. Doane was sent to Manila, which was 2,000 miles away. The governor-general there not only summoned no court, but dismissed the charges against Mr. Doane and sent him back with a personal letter, dated August 4, 1887, thanking him and his associates for the benefit of their labors to the Spanish Government in preparing the natives for civilization.

But during Mr. Doane's absence other complications arose. One of the mission teachers was warned to work on the roads, and no substitute was accepted, though it resulted in the breaking up of the school. At Kenan the people were told that if they attempted to meet on the Lord's day for worship their assembly would be forcibly dispersed. Threats were made also that if the mission premises were not sold to the Spaniards they would be taken by force. The chief of one of the tribes, who, with his men, had been working on the road without compensation, grew tired of it and abandoned the work. Twenty soldiers were sent to arrest them. These soldiers fired into the feast house where they were eating, killing two and wounding three.

The moment their guns were discharged, the outraged natives fell upon the soldiers with clubs and left not one of them alive. The missionaries restrained the church members from participating, but the masses arose, attacked the fort, and, at the expense of the lives of ten of their number, put to death the governor, his secretary, and thirty-seven of the soldiers. In their indignation they intended to attack the man-of-war, but Mr. Rand apprised the captain of his danger, and sent a letter to the people in the interest of peace. This had all transpired during Mr. Doane's absence. It was a rebellion against tyranny, doubtless, just as those which have made famous the names of Tell and Wallace and our own Warren. And to show the attitude of the missionaries, Mr. Doane and Mr. Rand, on September 10, went to Kenan and persuaded the natives to return to the Spaniards a boat, some cannon, and other property taken in the disturbances. Miss Fletcher writes: "We have given all our influence to keep the peace on the islands, and more than once things would have been ten times worse for the Spaniards had not the missionaries stood between them and the natives."

On October 29, Don Luis Cadarso, a new governor, with seven hundred soldiers arrived, offering a general amnesty, and a council between the governor and the chiefs was held in the house of Mr. Doane as neutral ground, the missionaries all urging the natives to a compliance with the conditions exacted by the governor. On November 19 came the United States sloop of war *Essex*, showing that our missionaries were not wholly forgotten. In March, 1888, Mr. Doane rebuilt his house at Kenan. Mr. Rand meantime was obliged to leave his work for a temporary rest. In 1890 Mr. Doane, still more exhausted, died at the Hawaiian Islands, which he was barely able to reach, leaving Miss Palmer and Mrs. Cole alone. Two days after his death, by order of the new governor, a lieutenant with thirty men came and commenced to erect a fort and barracks, church, and a priest's house near the mission station. These were, at the suggestion of the priests, soon after actually built on the mission premises on land owned by the American board. Miss Palmer protested; but the fort and barracks were placed within 40 rods of the mission church and the church and the priest's house only 60 feet from it and directly in front of it.

In June, twenty more soldiers were added to the garrison. Miss Palmer urged the natives to keep the peace and help the governor in his buildings; but what could these women do to appease the outraged feelings of the natives? They made another attack upon the Spaniards, killing the lieutenant and twenty of his men, though a native helper saved the lives of the priests at whose bidding the governor had been committing these outrages on mission property. August 20 Mr. Rand returned, but the governor would not allow him to visit Oua except by boat. From the day of his return to September 30 Mr. Rand devoted himself to the work of making peace. A new man-of-war brought six hundred additional soldiers, making in all one thousand on the island. The missionaries were to be put on board a Spanish man-of-war, but they preferred the missionary ship *The Morning Star*. On September 13 the men-of-war began to shell Oua, then went to Metalamin Harbor, and for five days shelled the settlement, destroying their breadfruit and other valuable trees, while the church and the whole village of Kenan were burned. September 19 two men-of-war and two transports shelled Oua incessantly and rendered the mission building worthless, though these had never been occupied by the natives. The next day three hundred soldiers landed and burned what remained of the mission house. September 27 Mrs. Rand and Miss Palmer returned to the island on the *Morning Star*, which had been absent at Kusaie, but in forty-eight hours from the landing all meetings and schools were forbidden by the governor. On October 15 the United States steamer *Alliance* arrived in the harbor, and as Mr. Rand was forbidden to engage in any missionary work he accepted Capt. Taylor's offer and went on board his vessel to Kusaie, thus terminating missionary work there.

For being thus broken up in their Christian work, for being deprived of their property, for the wanton shelling and destruction of their mission buildings, these American citizens, representing, and here represented, by the American board and their larger constituency, seek redress through the United States Government. For thirty-five years they had been in possession before the Spaniards came. They had expended not less than $730.000. They had shown their friendliness to the Spaniards in trying to restrain the natives, and yet the missionaries themselves were driven into exile, their houses and books destroyed, their schools and churches suppressed. As early as July, 1887, the American board began to seek redress through their own Government. Between the years 1887 and 1889 not less than eighteen letters were addressed by the officials of the board to Secretary Bayard, of the last administration. Between 1889 and 1891 the same number of letters has been addressed to Secretary Blaine, of the present administration, in all of which the injustice and hardships of the case have been urged upon the attention of the State Department. The attention of the Government is claimed, not only to the actual outrages and injury suffered in the case, but to the moral effect upon the cause of missions in foreign lands of submitting peaceably and without remonstrance

to such wrong, as also to the insult to the American name and wrong to American citizenship. We ask to be reinstated in our missionay work, to be indemnified for our losses, and to be protected as American citizens in the future.

In behalf of the American board.

R. L. STORR, *President.*
CHESTER HOLCOMBE.
J. E. RANKIN.

[Inclosure 2 in No. 25.]

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
1 Somerset Street, Boston, Mass., April 15, 1892. (Received April 18.)

DEAR SIR: Recalling the reply from the ministry of state at Madrid to the United States minister there respecting matters at Ponape, there was one point to which I did not refer in my recent letter commenting upon that document. I purposely omitted it, as I hoped soon to have additional information in my possession bearing upon the matter. The point referred to runs in these terms: "The protest presented by the American missionaries regarding the establishment of a Spanish Catholic mission at Oua did not allege any right of property as to the grounds on which the Spanish mission was going to be established; it did not even mention that it would be inconvenient or incommodious to them; but the protest was exclusively based on the idea that from the proximity of the missions the Protestant singing might annoy the Catholic mission." The only American missionary on the island of Ponape at the time of the events referred to was Miss Annette A. Palmer, and she is now in this country. I wrote immediately to her, quoting this part of the communication, and asking her to let me know what was the tenor of her communications to the governor at the time when it was proposed to establish a Spanish station near our station at Oua. I inclose a copy in full of her reply, which contains important testimony touching this matter.

It is not strange that this young woman, being alone, with a large school of girls upon her hands, should in such troublous times have been less explicit upon the question of property rights than the gentlemen who were members of that station would have been had they been present at the same time. But it is plain from this letter that Miss Palmer's mind did not overlook the fact of the property right of the American board to the land which the Spanish were proposing to use. The request which she sent to the governor by Mr. Bowker (an American trader, resident at Ponape, friendly to our missionaries) distinctly called the attention of the governor to this point, and the answer of the governor was returned, and in explicit terms ignored the right of the American missionaries to the land which had been formally conveyed to them by the native chiefs years before. I think you will see from Miss Palmer's letter that the claim made in this part of the reply from the ministry of state is both weak in itself and is shown to be contrary to the facts by Miss Palmer's statement.

It is of interest to note Miss Palmer's testimony with reference to the use of the mission houses at Oua as a stronghold by the native insurgents. It confirms in an incidental and very effective way what has been already communicated to you in a previous note on this subject.

Permit me in connection with what I have already said to call your attention again to a fact mentioned more than once in previous correspondence with reference to the treatment of the property rights of our missionaries on Ponape and of the title deeds to that property by the Spanish governor. At the first coming of the Spaniards, property was taken at Kenan, the place of Mr. Doane's residence, without compensation, as land was taken at Oua three years later, also without compensation. Further, the deeds showing the title of our missionaries to the lands which they occupied on the island were, at the request of the Spanish governor, placed in his hands for approval and examination soon after the establishment of Spanish authority in the islands. These deeds have never been returned and no assurance has been given that they have been approved or that it is the purpose of the Spanish Government to recognize the property rights of American citizens on this island. These are matters which need to be brought distinctly to the attention of the Government at Madrid. They constitute injurious treatment of American citizens at the hands of a friendly power, which, if not remedied, can not consist with justice or with continued friendly relations.

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

[Inclosure.]

Miss Palmer to Mr. Smith.

173 FIRST AVENUE, CEDAR RAPIDS, IOWA, *April 11, 1892.*

DEAR FRIEND: Your letter of April 4 came to hand in due time, and while I am very glad to know that there is hope that we can return to Ponape, I feel very much troubled over some things which you mention. I thank you very much for letting me see the paper you sent. They are mistaken I think in regard to the brother of the Kiti king ever being in any real sense an adherent of Protestantism. The Kiti king and nearly all of the Kiti chiefs except Noj (Solomon) and Nanpei (Henry) were never anything but heathen, although they were very friendly. I am very sorry about Edward, the teacher at Not. His stepdaughter, Tillie, was one of our best scholars, and he and his wife were frequent visitors at our home. She may be the one mentioned as making such rapid progress or it may be a younger sister.

In regard to the statement that "the protest presented by the American missionaries regarding the establishment of a Spanish Catholic mission at Oua did not allege any right of property as to the grounds on which the Spanish mission was then to be established, etc." In the first place we were given plainly to understand that it was all for the Government; that the priest must go where the soldiers did. I think that perhaps only a verbal protest was sent. I wrote several letters, but was not satisfied with any of them, and when Mrs. Cole proposed going I am not sure that she carried any written word. This protest was against the church being placed so near ours that the services would be mutually disturbing. I did not know how much it would be wise to say and was afraid of saying the wrong thing. What had been done in the case of Kenan and Wana, with Mr. Doane and Mr. Rand both on the island, was not much encouragement to me to think that I could do anything alone.

Before this, however, Mr. Bowker went to the governor for me. I think that he carried a note, but am not sure. I know that I was afraid that there might be difficulty about it afterward if their attention was not called at the time of building to the fact that the land belonged to the American board. Mr. Bowker was treated very rudely and we were informed (I am not sure that it was just at this time, but think it was; I am sure of the message) that no land would be considered as belonging to the mission except that in actual use—that covered by our houses and that under cultivation. Indeed, we feared for a time that they would actually build between our house and Mr. Rand's. They came back to that place several times and stood there and talked so long and measured the ground off with their sticks and seemed to be planning whether or no they could build there until we were glad to have them as far away as down the hill.

They promised once to build close by the shore, but the governor soon sent a letter saying that as Lieut. Paros and Father Augustine represented the place by our church to be the only healthy site, they would go on with the building. Lieut. Paros told some of the natives afterward that if we had come to him instead of going to the governor he would have had the church built elsewhere. I think that although no formal protest was made at this time, still they could not plead ignorance of the fact that it was considered the property of the American board, as the deeds for the land at Oua as well as all the other mission lands on the Ponape had been presented to the governor for his approval (which they never got) long before this.

I have always made it a rule to keep copies of all important letters that I write, but do not know whether I did so in this case or not. Perhaps there is a little excuse for me in the fact that anxieties and troubles came so fast and I was so much alone, Mrs. Cole being very little help in the closer watching and extra care of the school made necessary by the proximity of so many soldiers.

I presume that I do not quite understand the matter, but I can not see why they make this of any importance in connection with the damages asked for, which I supposed were meant to cover the loss to the mission by the burning of our houses and other property. I am not willing to admit that religious feeling played nearly as important a part in causing this trouble as Mr. Rand thinks. The character of those who began the trouble, although others were drawn in through clan feeling, the nature of the complaints against the Spaniards, and many other things lead me to believe that the trouble would have come just as surely had they gone to Tumun, Paul's place, instead of coming to Oua. Henry was of the same opinion at the time and so was Mr. Bowker. I do not say that religious feeling had nothing to do with it, but that the main cause was rather race feeling.

In regard to the use of the mission property by the natives as a stronghold, I am afraid that, while I know positively that the houses were never so used, there can be no testimony offered in regard to this that Spain would accept. We were at Kiti at the time and communication with the Metalinim tribe was strictly forbidden by the governor. What I know in regard to the destruction of the property came from

two sources, Capt. Narrhun and natives. This Capt. Narrhun is the one who is mentioned as having his baby baptized by the priest. He went with the Spanish force when Oua was attacked, and he told Mrs. Cole that he went up on the hill alone in advance of the rest of the force and went through our house leisurely, even sitting down to the organ and trying the notes, and he asserted positively that it had not been used by the natives as a stronghold. He is not the kind of a man, however, who could be depended upon to say this if it was in any way against his interest to do so. In spite of the governor's prohibition there was some communication between the tribes, as those who had relatives in danger would hear from them at any risk to themselves, and by such persons also we were credibly informed that the mission premises were never used as a stronghold.

I am sorry that I have been so long in writing this letter, but I find it very hard still to go over those scenes in memory, almost harder than to live through them, I think sometimes. I hope that I have answered your questions so far as to be intelligible. I have been sorry so many times that I did not keep a careful record from day to day of what happened. It would have been very useful several times. I was very busy, however, and did not realize as I do now the importance of keeping such a record.

Yours, faithfully,

ANNETTE A. PALMER.

Mr. Foster to Mr. MacNutt.

No. 42.] DEPARTMENT OF STATE,
Washington, November 26, 1892.

SIR: I have to acknowledge the receipt of Mr. Snowden's No. 3, of the 7th ultimo, reporting the delivery of the President's invitation to the Duke of Veragua, chief of the House of Columbus, to his brother, the Marquis of Barboles, and to his son, Don Christopher Columbus, to be present at the opening ceremonies of the World's Columbian Exposition, at Chicago, in May, 1893.

You will inform the duke that he and his family are expected about the middle of April next, and that the Department desires to receive due notice of the time of his expected arrival and the steamer upon which he is to arrive, in order that suitable arrangements for his reception may be made.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Snowden.

No. 45.] DEPARTMENT OF STATE,
Washington, November 29, 1892.

SIR: With reference to my instruction No. 25 of 3d instant, relative to American missionaries at Ponape in the Caroline Islands, I now desire to call your attention more specifically to the amount of indemnity which it is believed they are entitled to receive.

Accompanying Commander Taylor's report, transmitted to the legation October 7, 1891, is a schedule (Appendix II) of mission property destroyed, and its value, amounting to $11,114. It is understood that Commander Taylor is personally cognizant of its reasonableness. Mr. Rand's statement of the mission lands of the American Board of Commissioners for Foreign Missions at Ponape, for which reparation should also be made, accompanies the same report. (Appendix X.)

Commander Jewell, who visited the eastern Caroline group in 1887, states in his report of November 25 of that year (copy of which is here-

with inclosed), that during his visit to Ponape the governor assured Mr. Doane that the question with regard to the land taken at Kenan should be settled to the latter's satisfaction, but that he was not prepared to go into the matter at that time, and that Mr. Doane accepted the assurance of the governor as satisfactory. You will observe from Mr. Rand's statement that an agreement was subsequently reached between Governor Cadarso and Mr. Doane, whereby the Spanish authorities were to pay $2,000 compensation for the Kenan land.

As regards the indemnity due for the personal injuries to Mr. Doane, you will see by reference to a letter of the secretary of the American Board of Commissioners for Foreign Missions to this Department, dated September 24, 1888, transmitted to the legation October 10, 1888, and a later letter of April 17, 1889 (copy of which is transmitted herewith), that the immediate pecuniary damage occasioned by Mr. Doane's arrest and deportation is variously estimated at from $1,000 to $3,000. (See also generally letter of the American Board of Commissioners of Foreign Missions to the Department November 13, 1889, transmitted to the legation November 25 of that year.)

In view of all the facts it must be admitted that the sum of $25,000, which the American Board of Commissioners for Foreign Missions ask in full remuneration of their pecuniary damage is very moderate. (Letter of January 23, 1891, copy inclosed herewith.) This society from the beginning has, according to its published reports, expended $733,843 in establishing and carrying on its missionary work in the Caroline Islands. (Letter of American Board of Commissioners of Foreign Missions to the Department March 18, 1891, transmitted to legation October 12, 1891.) The fruits of the expenditure of this immense sum have been, to a large degree, destroyed by the action of the Spanish authorities. The sum of $25,000, which the board now ask, would barely cover the actual property taken and destroyed, without taking into consideration the great injury done its mission work and interests. I trust that the sum proposed may commend itself to Her Majesty's Government and be deemed to afford a reasonable basis upon which to settle the claim.

I am, etc.,

JOHN W. FOSTER.

[Inclosure 1 in No. 45.]

Commander Jewell to Rear-Admiral Chandler.

No. 45.] U. S. S. ESSEX, 3D RATE.
At Sea, November 25, 1887.

SIR: I have the honor to submit the following report of the visit of this vessel to the island of Ponape, Eastern Caroline group, in obedience to your orders of October 8, 1887:

Upon my arrival at Jamestown Harbor (called the Spanish Santiago or Porto Santiago) on the 19th instant, I found the Spanish in quiet and peaceable possession of the island. The Spanish vessels of war *San Quintin*, *Manila*, and *Lezo*, and the hulk *Maria de Molina*, were at anchor in the harbor, and the gun vessel *Ceba* arrived there on the 2d instant.

A force of about 600 Spanish troops was encamped on the island. The new Spanish governor, Don Luis Cadarso, had arrived on the 1st instant.

The incidents referred to in your aforesaid order with regard to the arrest and confinement of the American missionary, the Rev. E. T. Doane, by the former governor of the island, Señor Posadillo, his deportation to Manila, and his subsequent return to the island in a Spanish war vessel by the governor-general at Manila, after an investigation of the charges preferred against him, I found, from interviews with Messrs. Doane and Rand (the latter Mr. Doane's associate), to be en-

tirely confirmed. The accounts of the massacre, however, have been much exaggerated. While it is difficult to obtain an exact narrative of the events, as all accounts come from the natives, it seems certain that not more than twenty or twenty-five of the Spanish were killed, including the governor and his secretary, and that the uprising and resistance of the natives was provoked by the arbitrary and injudicious action of the late governor.

From Messrs. Doane and Rand I learned that they had been reinstated in all their rights and privileges, so far as their missionary work was concerned. The schools and churches, which had been closed by the arbitrary action of the former governor, have been reëstablished. The missionaries have been assured by the governor-general at Manila, and the assurance has been confirmed by the present governor of Ponape, Don Luis Cadarso, that their work should not again be interfered with, and that they should continue their teaching of the Protestant religion and the use of English in the schools without molestation. These gentlemen speak in the highest terms of the consideration shown them by the present governor, his affability and fairness in his dealings with them, and they describe his treatment of the natives as "magnanimous." On the other hand, the governor took occasion repeatedly to express to me his appreciation of the great assistance he had received from Messrs. Doane and Rand in his adjustment of the difficulties with the natives, and stated that it had given him pleasure to bring the fact to the attention of his Government.

The good understanding between the missionaries and the governor seeming to be perfectly established, and learning from Mr. Doane that the question of indemnity for his imprisonment had been referred to the State Department, I saw no occasion for introducing the subject in my several conversations with the governor.

There was, so far as I could learn, but one point not entirely settled between the Spanish authorities and the missionaries. It is that of the occupation by the Spanish authorities of certain of the mission lands at Jamestown Harbor. These lands have been held for some years by the missionaries by virtue of deeds executed by the different chiefs of the natives conveying the lands to Mr. Doane for the purposes of the mission. One of these deeds, bearing date in 1870, conveyed a tract of some 20 acres, the other, dated in 1880, conveyed a considerably larger tract which included in its limits the former cession.

Upon the arrival of the Spanish in the early part of the present year, a portion of this land was resigned by Mr. Doane to the Spanish authorities, it being considered by them the only available location in the neighborhood for the camp and town they proposed to establish. The Spanish, however, have encroached upon the remaining portion of the land. The governor-general at Manila has assured Mr. Doane (see extract from a letter of Consul Voight, a copy of which is appended) that his title to land conveyed to him in good faith by the natives previous to the Spanish occupation would be confirmed, and it seems to be informally admitted that the Spanish works have encroached upon the mission lands. Mr. Doane finds now that the occupation of a part of this land depreciates to a great extent the value of the rest of it, for missionary purposes, and he desires that the Spanish shall take the whole of the tract at his (Mr. Doane's) valuation. I offered my friendly services with the governor to Mr. Doane, but at the same time suggested that, as his relations with the governor were so cordial, and as my interference might produce some irritation, he should see the governor alone. He subsequently had an interview with the governor, who assured him that the questions with regard to the land should be settled to Mr. Doane's satisfaction, but that he was not prepared to go into them at present. Mr. Doane stated to me that this assurance of the governor was entirely satisfactory.

There are, however, two features of the land question which I consider unfortunate, to say the least. Mr. Doane, in my opinion, is inclined to put a speculative price upon the land at Jamestown Harbor. While he did not name to me any specific sum as the value of the land, he suggested that if the mission was paid $5,000 he would consider that they (the missionaries) were indemnified for the damage they had sustained. His argument is that if they could have retained the land, they would not have parted with it at any price, and that as they are, so to say, compelled to part with it, they should be correspondingly indemnified. The other unfortunate point is, that another considerable tract of land at Oua, which has been occupied by the mission for some years, was conveyed to the missionaries by a written instrument dated but a few days prior to Spanish occupation of the island. I fear that the recent date of this conveyance, taken in connection with the excessive damages suggested for the land at Jamestown Harbor, will create the impression on the mind of the governor, however false such an impression may be, that the missionaries are endeavoring to overreach him and may tend to delay an equitable adjustment of the land titles, and so I advised them—I refrain from stating my own opinion as to the fact. There are in all but five missionaries at Ponape, two men and three women.

So far as any active interposition in the affairs of the missionaries is concerned,

the visit of the ship to Ponape was entirely unnecessary. But I have no doubt that the moral effect of the visit will be to the advantage of the missionaries, both in increasing their influence with the natives and in causing greater consideration for them by the authorities of the island.

In conclusion, I beg to call particular attention to the extreme courtesy with which I was met on all occasions by the governor, Don Luis Cadarso, and his evident desire to promote friendly relations with myself as the representative of the United States.

Very respectfully,

THEO. F. JEWELL,
Commander, Commanding.

Rear-Admiral R. CHANDLER, U. S. Navy,
Commanding United States Naval Force on Asiatic Station, Flagship Brooklyn.

[Inclosure 2 in No. 45.]

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
CONGREGATIONAL HOUSE, 1 SOMERSET STREET.
Boston, April 17, 1889. (Received April 18.)

SIR: Permit me to call your attention to a state of affairs in connection with the missionary work of the American board among the islands of the Central Pacific which requires remedy, and such a remedy as it seems to lie quite within the power of our Government to provide.

For nearly two score years the American board has maintained a vigorous missionary work among the natives of three distinct but neighboring groups of islands, namely, the Caroline Islands, the Gilbert Islands, and the Marshall Islands. The aim of this work is wholly Christian and benevolent, without the least admixture of political interests; the American missionaries to these parts have always been carefully enjoined to take no part in any political questions that might arise, and they have faithfully followed these instructions.

Where the first American missionaries found only pagans and savages, idle, thriftless, warlike, and degraded, to-day we are able to report nearly fifty Christian churches, with four thousand six hundred communicants, all under the care of native pastors and fully self-supporting; four training schools for young men and two boarding schools for girls, gathering nearly two hundred pupils who are in training as teachers and preachers to extend the work; forty-eight common schools, with two thousand six hundred pupils, all self-supporting; the Scriptures translated into the native dialects and circulating freely among the people, and many textbooks prepared for the use of the schools. Thrift and industry and peaceful ways of living have replaced the vices of former days, Christian homes are maintained, and a simple civilization is everywhere to be found.

The annexation of the Caroline Islands by the Spanish Government was attended by some acts of injustice toward the American citizens engaged in this work, at which full representation was made at the time by our Government to the court of Madrid. For some of these wrongs reparation has been made; for others no satisfaction has been given. Mr. Doane, the veteran of the mission, was most unjustly deprived of his liberty and carried away to the Philippine Islands for several months, exposing him to very considerable expense and his work to serious injury. Mission property on the island of Ponape of considerable value was taken possession of without compensation. For these several losses, and for the indignity shown to his person and liberty, Mr. Doane has as yet received no proper satisfaction, and I desire hereby to make fresh appeal to our Government vigorously to follow up this wrong and effectively to press this most just and needful claim upon the Spanish Government. It is not for me to fix the sum in which reparation should be made. Mr. Doane has named $2,000 as the least sum which would cover actual losses. I am sure that it will not be in vain that we make this fresh appeal to our Government for reparation of a wrong so unjustly inflicted on one of its citizens, engaged in a most humane and beneficent work.

One further fact I desire to bring to your attention. At an annual cost of about $15,000 the board maintains a missionary ship, the *Morning Star*, which plies between Honolulu, Hawaiian Islands, and these several groups, and serves as the medium of conveying to the American laborers their mails, supplies, and the necessary materials for this varied missionary work. The German Government, which has recently annexed the Marshall Islands and set up its protectorate there, demands that this mis-

sionary ship, which is a great cost to the board and a source of revenue to no one, shall pay a port due of $500 annually before it is at liberty to go upon its missionary work among these islands. This has the effect of a direct tax upon the benevolent people of this country who sustain the missionary work in that group, and seems wholly out of keeping with the friendly attitude which exists between the Government at Berlin and our own Government. No reason for this exaction is known to exist. The officers of the *Morning Star* are forbidden to engage in the customary trade among these islands, and we have no reason for thinking that these restrictions have ever been violated. It is well understood that our Government can not exert itself in this matter beyond the sphere of persuasion and friendly influence, but it is believed that nothing more than this will be required in order to secure proper consideration at Berlin and suitable instructions thence to the Imperial commissioner resident in the Marshall Islands to remove this exaction.

Assured of your personal interest in the matters thus laid before you, and of your readiness in all appropriate official ways to guard American interests and maintain the dignity and fair fame of our Government, both in the eyes of its own subjects and before all foreign powers,

I have, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

[Inclosure 3 in No. 45.]

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
CONGREGATIONAL HOUSE, 1 SOMERSET STREET,
Boston, January 23, 1891. (Received January 26.)

DEAR SIR: I have the honor to acknowledge the reception of your favor of the 14th instant, acquainting me with the reception of my previous voluminous communication, and assuring me of the immediate attention which it would receive. This is gratifying, and I heartily appreciate the readiness and good purpose of the Department.

The amount of indemnity which should be sought at the hands of the Government at Madrid has not been so fully presented in this correspondence, perhaps, as it ought to have been. There is a certain difficulty in measuring with accuracy the losses incurred by the unjust acts of the Spanish authorities at Ponape; but some things are clear. Since there never has been any satisfactory settlement of similar questions raised three years and more since, when the first troubles at Ponape occurred, it is important that the indemnity now asked for should be adequate to meet the situation in all its bearings. A pledge of $2,000 compensation for mission property taken for Government use, made by the Spanish Government to Mr. Doane, has never been fulfilled. No reparation to Mr. Doane for personal losses and injury in his arbitrary arrest, imprisonment, and deportation has ever been made. And now we have the enforced withdrawal of all our missionaries from Ponape and the breaking up of all their work there; the destruction of the mission houses at Oua, to replace which at least $10,000 would be required, a loss of mission books valued at $2,000, burned at the same time; and the appropriation of mission land at Oua to the purposes of the Spanish Government without compensation. These things together make up such a case as clearly warrants our Government in demanding of the Government at Madrid compensation in a sum of at least $25,000, together with the restoration of our missionaries to their work in Ponape and ample security for their peaceful prosecution of that work hereafter.

From the numerous utterances of the press on this outrage it is clear that the sentiment of the Christian public, and indeed of the public in the country at large, not only heartily favors but strongly demands of our Government prompt and decisive action in the direction which has been indicated in the previous correspondence from these rooms. We have every reason to expect that our Government will heed this demand of the public and will right the wrong which has been inflicted upon American citizens in Ponape, reparation for which can not be unduly delayed without great loss, not so much to this board and its missionaries as to the repute and fair name of the nation we love and honor.

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

Mr. MacNutt to Mr. Foster.

No. 38.] LEGATION OF THE UNITED STATES,
Madrid, December 14, 1892.

SIR: I have the honor to inform you that the Duke of Veragua has this day formally and definitely expressed his intention to visit the United States, in response to the invitation of the President.

Acting upon your instruction No. 42, of November 26, I saw the duke by appointment and informed him that his presence was desired in America by about the middle of April, 1893.

The result of my interview with his grace is the following: The duke will be accompanied by the Duchess of Veragua, his son Christopher, and his daughter.

It is possible that his brother, the Marquis of Bárboles, and his wife may also accompany him, but this is not yet certain.

The duke will bring with him his private secretary, and there will be two servants in attendance.

On the 12th of April the steamship *Ems*, of the German line, is announced to sail from Genoa, touching at Gibraltar on the 15th and reaching New York on the 23d. As this southern line offers many advantages, the duke is inclined to take that vessel, unless he may be obliged to go first to Paris, in which event he will sail from Le Havre on an approximate date.

The duke expresses his cordial wish and disposition to fulfill in all things the desires and intentions of the United States Government in inviting him, and during his stay in America places himself entirely at your disposal.

His intention is that his journey should not occupy more than two months, including both voyages, but the division of his time in America he leaves entirely to the direction of his hosts.

I have, in reply, answered his grace that his wishes were our commands, and that upon arrival in America and after the official acts and ceremonies at which his presence was desired, he would have but to indicate where he wanted to go and what he wanted to do.

I shall be able to inform the Department within a fortnight as to the exact number of persons accompanying him and the date and vessel on which he will sail.

I have the honor to be, sir, your obedient servant,

FRANCIS MACNUTT,
Chargé d'Affaires ad interim.

CORRESPONDENCE WITH THE LEGATION OF SPAIN AT WASHINGTON.

Señor Sagrario to Mr. Wharton.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, June 27, 1892. (Received June 28.)

The undersigned, acting chargé d' affaires of Spain, has the honor to inform the honorable Acting Secretary of State that he has just received instructions from his Government directing him to tender to the

Government of the United States a special invitation to take part in the official ceremonies to be held in the port of Palos on 3d of August next, in commemoration of Columbus's first expedition, which resulted in the discovery of America.

The undersigned hastens to fulfill this agreeable duty and to state to the honorable Acting Secretary of State that the Government and nation of Spain will have great and sincere pleasure in saluting, in the waters of Palos, the American fleet which the Government of the Union may be pleased to send there for the purpose above mentioned.

The undersigned, etc.,

JOSÉ FELIPE SAGRARIO.

Mr. Foster to Mr. Sagrario.

DEPARTMENT OF STATE,
Washington, July 12, 1892.

SIR: Referring to your note of the 27th ultimo, it gives me much pleasure to be able to inform you that the Secretary of the Navy has ordered the commanding officer of the U. S. S. *Bennington* to proceed with that vessel from Montevideo to Palos, Spain, to arrive there by the 1st of August next, and to take part in the celebrations in honor of the sailing of Columbus from that port.

Accept, etc.,

JOHN W. FOSTER.

Señor Dupuy de Lôme to Mr. Foster.

[Translation.]

LEGATION OF SPAIN IN WASHINGTON,
September 15, 1892. (Received September 15.)

Mr. SECRETARY: The minister of state informs me that Her Majesty the Queen Regent will leave the port of Cadiz on the 9th October next and will proceed by sea to Huelva to inaugurate the monument which is being erected to Columbus, in commemoration of the fourth centenary of the discovery of America.

Her Majesty will be accompanied by vessels of war of friendly nations, and the Spanish Government would regard it as a proof of consideration and esteem if the flag of the United States figured in that solemn ceremony. I am therefore instructed to notify you, in order to learn whether the United States Government thinks proper to accept this invitation.

I avail myself, etc.,

ENRIQUE DUPUY DE LÔME.

Mr. Foster to Mr. Dupuy de Lôme.

DEPARTMENT OF STATE,
Washington, September 26, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, and in reply to state that I have been informed by the Acting Secretary of the Navy, in a letter dated the 23d instant, that Rear-Admiral A. E. K. Benham, U. S. Navy, has been ordered to proceed to Cadiz, Spain, with the United States flagship *Newark*, by the 8th of October next, and to accompany the Queen Regent of Spain when she leaves that port for Huelva to dedicate the Columbus monument at that city.

Accept, etc.

JOHN W. FOSTER.

Señor Dupuy de Lôme to Mr. Foster.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, December 1, 1892.

Mr. SECRETARY: I have the honor to transmit to your excellency, with the customary office copy, the accompanying letter which Her Majesty the Queen Regent addresses to the President of the United States in reply to the invitation to attend the opening ceremonies of the World's Exposition at Chicago, and I beg your excellency to have the kindness to have the said royal missive conveyed to its high destination.

I avail myself of this occasion to renew to your excellency the assurances of my highest consideration.

ENRIQUE DUPUY DE LÔME.

Queen Cristina to President Harrison.

Don Alfonzo XIII, by the grace of God Constitutional King of Spain, and in his name and during his minority,

Dona Maria Cristina, Queen Regent of the Kingdom, to the President of the United States of America:

GREAT AND GOOD FRIEND: Great satisfaction was given us by the letter which you addressed to us at the request of the Senate and House of Representatives of the Republic in Congress assembled, inviting my well-beloved son and me, as the successors of Queen Isabella the Catholic, of glorious memory, to attend the opening ceremonies of the Columbian Exposition, which is to be held in the city of Chicago in the month of May next, in commemoration of the happy event of the discovery of America. Both my son and I feel most grateful for this token of esteem and regard, and I beg you to convey to the Congress of the United States the assurance of our feelings of gratitude, and to inform that body, at the same time, how deeply we regret that the provisions of our constitution will prevent us from being present at those impressive ceremonies, as we should have been glad to do. Offering fervent prayers for the prosperity and happiness of your Republic, we pray God to have you in his holy keeping.

Done at the palace of Madrid this 8th day of October, 1892.

Great and good friend, your great and good friend,

MARIA CRISTINA.

CÁRLOS O'DONELL.

SWITZERLAND.

CORRESPONDENCE WITH THE LEGATION OF SWITZERLAND AT WASHINGTON.

Mr. Tavel to Mr. Foster.

LEGATION OF SWITZERLAND,
Washington, July 28, 1892. (Received July 29.)

Mr. SECRETARY OF STATE: I have the honor to have recourse to your excellency's mediation, submitting to you the following facts:

During an excursion to Bay Ridge, Md., Dr. Georg, attaché of this legation, was arrested by the police under circumstances which give to this arrest a character of some gravity.

Mr. Georg, while taking some refreshment at a counter, with other persons, observed that a gentleman and lady, who had likewise taken refreshments, were looking for something on the counter and on the floor. He asked what had been lost, and was told that it was a pocket-book, which he assisted in looking for, but without success.

Ten minutes afterwards, while Dr. Georg was walking near the casino, he was accosted by two policemen, who charged him with having taken Mrs. X's pocket-book, and demanded its return. He stated that he was not the person who was wanted, and that Mrs. X was mistaken, whereupon he was allowed to depart, after having told the policemen that he was secretary of the Swiss legation at Washington, D. C., and did not wish to be put to any further trouble.

Perceiving Mr. and Mrs. X, he attempted to make himself known, but was obliged to withdraw, owing to the attitude of Mrs. X, who persisted in accusing him. He was then joined by the policeman who had first spoken to him, who seized him by the arm, telling him that he was under arrest. Dr. Georg repeated in vain that no one had a right to arrest him, and asked to be identified by the undersigned, who was close by, in the casino. This was positively refused. He was, moreover, not allowed to telegraph to the Department of State at Washington, on pretense that there was no time to wait. He was taken to a distance of 300 meters, to a little house, where he got into a car with Mr. and Mrs. X and the policeman. Before the departure of the train, and since the policeman again refused to take him to the telegraph office, Dr. Georg wrote and delivered to an unknown person for transmission the following dispatch:

DEPARTMENT OF STATE, *Washington, D. C.*

Have been arrested without cause, though I stated to be a member of the Swiss Legation. Please send orders to Annapolis.

DR. GEORG.

This dispatch was read to the bearer in the presence of the policeman, but was not sent by the unknown person.

An hour later the train reached Annapolis. Here Dr. Georg was taken to the office of the commissioner, where he expected to be examined. As he was not examined, he told the commissioner that he had telegraphed to the Department of State, whose orders would soon arrive. Nevertheless, and in spite of his earnest protests, he was searched, and the contents of his pockets (papers and money) were taken out by a policeman.

As the pocketbook was not found the commissioner, having asked Dr. Georg his name, informed him that he could not hold him on mere suspicion.

Dr. Georg asked that his protests and statements might be taken down in writing, and that the name and full address of the complainants might be given him. The commissioner contented himself with giving Dr. Georg the name of "Mrs. Borde, Baltimore," and said that, as to the rest, he knew what it was proper for him to do.

Having no other way to return to Washington, Dr. Georg was obliged to get into the same car by which he had come, together with the same persons, and return to Washington by the last train.

The undersigned did not learn what had taken place until after Dr. Georg's return to Bay Ridge.

I do not doubt, Mr. Secretary of State, that, in view of this incident, you will think proper to order a strict inquiry with regard to the facts above stated, from which it appears that a Swiss diplomatic officer, accredited to the United States Government, has been arrested on mere suspicion, detained, and searched, no regard having been paid to his diplomatic capacity, and he not having been allowed to inform your excellency's Government of what was going on.

Before bringing this incident to the notice of my Government, I desire to protest without further delay against acts that were so palpably in violation of the treaty of friendship and reciprocal establishments which has been concluded by the Swiss Confederation with the United States.

I feel fully confident that your excellency, recognizing the justice of my complaint, will speedily send me an expression of your regret at what has been done to a member of this legation, and that you will wish to order, in the case of such of your agents as may be found guilty, such disciplinary measures as may be called for by the facts.

Be pleased to accept, Mr. Secretary of State, the assurances of my highest consideration.

CHARLES C. TAVEL.

MEMORANDUM.

Statement of the Swiss chargé to the Secretary of State, at interview, July 28, 1892.

That in company with an attaché of the legation, Mr. Georg, he went yesterday morning to the summer resort on the Chesapeake known as Bay Ridge; that while at the refreshment counter Mr. Georg inadvertently stepped in front of a man and woman who had been there, but upon discovering his mistake he apologized, stepped back, and took his refreshments at another part of the counter; that later the man and woman alleged that she had lost her pocketbook, and searched

around for it; that some ten minutes after he had left the stand Mr. Georg was approached by a policeman and charged with having taken the pocketbook of the woman; that Mr. Georg then informed the policeman of his official character as a member of the Swiss legation, and the policeman refrained from further action at that time; that in a few moments the policeman was joined by the man and woman, and the latter insisted that Mr. Georg was guilty, and urged his arrest, whereupon the policeman proposed to arrest him; that Mr. Georg again denied the charge, and again claimed his exemption from arrest on the ground of his official character as a diplomatic officer, but without avail; that Mr. Georg then asked to be taken to the place where the chargé then was, in the same building, that he might be identified, but the policeman refused; that Mr. Georg then requested the policeman to send for him a telegram to the Department of State informing of the facts, but this he also refused; that Mr. Georg then wrote a telegram to the Department of State, giving the facts, and gave it, with 50 cents to pay charges, to a boy to send, but, as the chargé is now informed, it was never received; that Mr. Georg was then taken in a carriage to Annapolis, under guard of the policeman, and brought before the chief officer of police; that he thereupon informed the chief officer of police of his official character, and again protested against the arrest, at the same time declaring his innocence; the police then proposed to search him for the lost pocketbook, against which he again protested, and only submitted to the search under force; the search not discovering the pocketbook in his possession, the chief officer of police proposed to release him, but he demanded before his release that the chief officer of police should draw up a protocol setting forth the facts of the case, which was also refused, and he was thereupon released; that the time of Mr. Georg's confinement, from his first arrest at Bay Ridge until his release at Annapolis at the police station, was about two hours; that Mr. Georg was informed by the police that the name of the woman was ———, but she refused to give her address to Mr. Georg after the chief officer of police had refused to interrogate her for it.

Mr. Foster to Mr. Tavel.

DEPARTMENT OF STATE,
Washington, August 1, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, in relation to the arrest at Bay Ridge, and subsequent search by the police authorities of the State of Maryland, of Dr. Alfred Georg, attaché of your legation.

Immediately upon being thus informed of this regretable occurrence, I lost no time in communicating by telegraph with the governor of the State of Maryland, reciting the statements contained in your note, and requesting him to cause a prompt investigation of the affair to be made and the result to be made known to this Department. I stated to the governor my expectation that, if it should be found that any of the authorities of Maryland have disregarded the rights which are assured by the Constitution and laws of the United States to members of foreign legations, prompt measures would be taken to secure their punishment and vindicate the honor of our country.

While awaiting the response of the governor to this representation,

I take advantage of the occasion to express to you the sincere regrets here felt that any member of a friendly legation should have suffered indignity in contravention of our own municipal law and of the laws of nations and of international hospitality; and, while convinced that the occurrence will be found to have been unintentional and due to ignorance or misunderstanding on the part of the agents concerned therein, I have no doubt that the expression of regret on the part of the authorities of Maryland will be as full and sincere as their efforts to mark their disapprobation of the act and rebuke the offender.

Accept, sir, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Tavel.

DEPARTMENT OF STATE,
Washington, August 9, 1892.

SIR: Referring to the note which you addressed to me on the 28th ultimo, in relation to the arrest at Bay Ridge, Md., of Dr. Albert Georg, attaché of your legation, by a civil officer, on the 27th of July last, and referring also to the acknowledgment of the receipt of that note which I had the honor to make to you on the 1st instant, I have now the pleasure to communicate to you, in copy, the reply of his excellency the governor of the State of Maryland, stating the result of his investigation of the case and his action thereon.

You will observe that, recognizing the fact that under an accusation for which there was not the slighest color of excuse, Dr. Georg had been subjected to a gross indignity, his excellency the governor has marked his condemnation thereof to the limit of his executive ability so to do by calling for the prompt dismissal of the officer whose blunder in complying with the excited demand of Mrs. Borde was the occasion of this most deplorable incident, and that the officer in question has been discharged from the service of the sheriff and of the Bay Ridge authorities and will not be reinstated.

In making this known to you, and at the same time conveying the profound regrets of his excellency the governor of Maryland for this unfortunate occurrence, and by reason of his inability to offer to Dr. Georg and to your legation any further redress or reparation for the affront to which he has been subjected, I desire to add my own expression on the part of the Government of the United States of no less regret for the wrong, and satisfaction that it has been promptly rebuked so far as lies within the executive competence of the authorities of the State within whose jurisdiction the act was committed.

Accept, sir, etc.,

JOHN W. FOSTER.

[Inclosure.]

Governor Brown to Mr. Foster.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT,
Annapolis, August 8, 1892.

DEAR SIR: Immediately upon the receipt of your telegram of the 28th of July ultimo, relating to the recent arrest or Dr. Alfred Georg, an attaché of the Swiss legation, I took the matter in hand and made a thorough personal investigation of the case.

The facts are that on the afternoon of July 27 a woman, giving her name as Mrs. Borde, of Baltimore, accused Dr. Georg at Bay Ridge, near Annapolis, of having taken her pocketbook, and calling James E. Lowman, a deputy sheriff specially assigned to duty at that place, insisted that he should arrest him. Mr. Lowman was reluctant at first to do so, but finally upon her declaring her readiness to make a formal charge against him and to go before a justice of the peace at Annapolis to substantiate it, Dr. Georg was taken into custody and driven in a carriage with her and the officer to Annapolis for a hearing of the charge.

A hearing was had at once before Justice John B. Flood, and there being no evidence whatever to warrant his arrest, Dr. Georg was promptly released and driven back to Bay Ridge in time to take his train to Washington.

In the meantime the pocketbook, with its contents untouched, was found and restored to Mrs. Borde, who, it seems, had mislaid or accidentally dropped it, and under the excitement occasioned by its loss brought this most unfounded accusation against Dr. Georg, without any reason whatever other than that he happened to be near the lunch counter when she discovered her loss.

Without going into the details of the case, it is clear that under an accusation for which there was not the slightest color of excuse Dr. Georg has been subjected to a gross indignity.

Unfortunately, it is not in my power to mark my condemnation of this indignity by any punishment further than by calling for the prompt dismissal of the officer whose blunder in complying with the excited demand of Mrs. Borde was the occasion of this most deplorable incident.

This I have done, and he has been discharged from the service of the sheriff and of the Bay Ridge authorities, and will not be reinstated.

I beg that you will make known to Dr. Georg and the Swiss Legation my official action in this matter, and at the same time express to him and them how profoundly I regret the unfortunate occurrence and my inability to offer to him any further redress or reparation for the affront to which he has been subjected.

Yours, very respectfully,

FRANK BROWN,
Governor of Maryland.

Mr. Tavel to Mr. Adee.

[Translation.]

SWISS LEGATION IN THE UNITED STATES,
Washington, September 2, 1892.

Mr. SECRETARY OF STATE: In acknowledging to his excellency, Mr. John W. Foster, the reception of the note he was pleased to address to me under date of 9th August, ultimo, relative to the arrest at Bay Ridge, Md., of Dr. Alfred Georg, attaché of this legation, I had the honor to inform him that I had transmitted the contents thereof to my Government.

I have to-day the pleasure to announce to you that the Swiss Federal Council, after having taken cognizance of the aforesaid note and of the report of his excellency the governor of the State of Maryland, has charged me to state to you that it considered this incident as closed.

The Federal Council has observed with lively satisfaction the earnestness and good will displayed by the Government of the United States in this affair, and which has permitted its prompt termination to the satisfaction of the interested parties without in any way affecting the excellent relations so happily existing between Switzerland and the United States of America.

I hasten to avail myself, etc.,

CHARLES C. TAVEL.

Mr. Adee to Mr. Tavel.

DEPARTMENT OF STATE,
Washington, September 5, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant in relation to the arrest at Bay Ridge, Md., of Dr. Alfred Georg, an attaché of the legation of Switzerland at this capital, and to express the Department's pleasure that the incident, in view of its note of the 9th ultimo, is regarded by the Swiss Federal Council as thus satisfactorily closed.

It is also gratifying to add that his excellency the governor of Maryland has been furnished with a copy of your note and thanked for his action in the premises, as you orally requested.

Accept, etc.,

ALVEY A. ADEE.

TURKEY.

Mr. Blaine to Mr. Hirsch.

No. 263.] DEPARTMENT OF STATE,
Washington, December 14, 1891.

SIR: The Department's instruction, No. 249, of the 1st October, 1891, related to a question, then recently raised by a note from the Ottoman minister for foreign affairs, concerning the conversion of private dwellings into churches or schools, and in regard to which Mr. MacNutt was in conference with the British ambassador, with a view to the concurrent formulation of a reply.

In that instruction, and in view of the circumstances that the public teaching of foreigners in Turkey, and the erection of public places of non-Mohammedan worship are, in many instances, under express permit granted to those ends by the Turkish authorities, the Department commented upon the obvious distinction between public teaching and worship in edifices distinctly intended to serve as schools or churches, and the employment of private dwellings for those purposes. The object of that instruction was to simplify the discussion of the question of so-called "conversion" of private dwellings into public schools or churches, by showing that a well-marked line of demarcation between the two classes of foreign rights existed, and that the real issues involved should not be confused by any attempted interference with long-established and fully-recognized rights of foreigners in the matter of household teaching and worship, on the ground that they had become merged in other public rights of foreigners in Turkish dominions, although equally long established and recognized. Domestic and public teaching and worship by foreigners are alike rightful, and their rights in regard to each are to be alike insisted upon; yet it may be deemed convenient to distinguish between the domestic and the public exercise of those rights, especially as the Turkish authorities appear disposed to base a new system of interference with both classes of rights, by extending the definition of public teaching and worship so as to invade the domain of private domicile.

Mr. MacNutt has not yet replied to that instruction, and the Department is consequently unaware what may have been its effect upon the concurrent action of the British embassy and the United States legation. The subject, in its more general aspects, is so important, that I deem it proper to supplement the instruction of October 1, 1891, with fuller and broader considerations applicable to the whole ground of controversy.

By reference to the correspondence exchanged with your legation in the latter part of 1886 and the early part of 1887, it will be seen that the subject of the rights of foreigners to teach and worship in the dominions of Turkey without interference or molestation was distinctly asserted and as distinctly recognized. Mr. Bayard's instruction, No. 7, to Mr. Strauss, under date of April 20, 1887, ably presents the unimpeachable grounds upon which this Government successfully rested its

claim that the right of American citizens to receive into their hospitals and schools persons of Turkish nationality rests not alone on the specific stipulations of treaty and the capitulations, but on long usage, amounting, from duration and from the incidents assigned to it by law, to a charter. That correspondence further shows the arrangement effected by Mr. King with the Turkish authorities, by which the natives of the Empire were to benefit by the benificent and educational opportunities afforded by the missionaries of the United States in Turkey. The rights of foreigners in the matter of worship rest on even more unassailable grounds; so much so that, in the course of centuries of constant exercise, they had never been seriously questioned. It is not to be supposed that they can now be called in question; they certainly can not be impaired by introducing a distinction between public and private worship, or by raising question whether the place of worship is to be regarded as a dwelling or a temple. Its only relation to the subject now under consideration is as regards the circumstances under which those rights may be exercised.

Any conditions affecting such exercise must necessarily be legitimate, usual, precise, and readily fulfilled. It would be impossible to admit any arbitrary criterion by which the rights and teaching and worship of and by foreigners in Turkey may be circumscribed and rendered null at the whim of the authorities by the imposition of unusual or difficult conditions.

Neither should the merits of the question be clouded by such hair-splitting issues as that now raised by the contention that the exercise of an assured right in the dwelling house of a foreigner "converts" the dwelling to some different but equally legitimate use.

A question in point was presented in your dispatch, No. 284, of May 7, 1891. You then reported the case of the Rev. Henry Easson, of Latakia, who, having lawfully and rightfully purchased a parcel of land for the purpose of building a dwelling house, was refused the necessary building permit unless he should bind himself not to use or rent the house for school purposes, nor sell it except to parties who would similarly bind themselves. In your note verbale of December 15, 1890, to the ministry for foreign affairs you properly took the ground that the conditions sought to be imposed were illegal, inasmuch as the rights of foreigners in the premises extend not only to the purchase of land, but to its use and enjoyment by the owner. No attempt whatever appears to have been made on the part of the Ottoman Government to uphold the proposed conditions as legal, usual, or reasonable, and Mr. Easson soon thereafter received his permit without the obnoxious conditions, and proceeded to construct his house. No further attempt to interfere with his rights in this regard has been reported.

The right of a citizen of the United States to purchase land in Turkey, and to build thereon, is indefeasible. The character of the structure to be erected thereon is naturally definable, within reasonable limits; but the right to erect it, whether it be a dwelling-house or shop, an industrial establishment, a bank, a school, a church, a hospital, or any other legitimate structure not contravening law or good morals, is unimpeachable. It is, of course, proper that, in applying for the necessary permit to build an edifice destined to special uses other than those of ordinary habitation, the purpose for which it is intended should be defined in good faith and with reasonable precision. Such a definition can, however, in no wise curtail the extraterritorial rights of domicil possessed by foreigners in Turkey, or become instrumental in restraining the exercise within the walls of their dwellings of every right to which they are entitled. It will, now as always, be your duty

and your care to protect American citizens in the full and free enjoyment of their domiciliary rights, and to protect them therein from any illegal, arbitrary, unreasonable, and vexatious interference on the part of the Ottoman authorities.

If it would aid in the comparison of views on this subject between your legation and the British embassy, you may communicate the contents of this instruction to Her Britannic Majesty's ambassador.

I am, etc.,

JAMES G. BLAINE.

Mr. MacNutt to Mr. Blaine.

No. 364.] LEGATION OF THE UNITED STATES,
Constantinople, December 17, 1891. (Received January 7.)

SIR: I have the honor to inclose for your information a verbal note to the Sublime Porte, based upon information furnished me by Bible House, concerning the capricious action of the Vali of Bourdour in stopping the work upon the house of Mr. Bartlett, an American missionary, for which the usual municipal permit to build had been granted.

Besides being thus formally presented to the Porte, this case has been the subject of discussion with the minister of foreign affairs. The customary satisfactory promises have been offered me.

I have, etc.,

FRANCIS MACNUTT,
Chargé d'Affaires ad interim.

[Inclosure in No. 364.]

Mr. Mac Nutt to the Sublime Porte.

LEGATION OF THE UNITED STATES,
Constantinople, December 8, 1891.

The Rev. L. Bartlett, an American citizen residing in Smyrna, last spring purchased a piece of land in the town of Bourdour (Vilayet of Konia), for the purpose of constructing a dwelling house upon it. The land was transferred to Mr. Bartlett's name under the protocol permitting ownership of real estate by foreigners, and Mr. Bartlett took out the usual municipal permit to build a dwelling house thereon, paying the customary tax upon it. He then proceeded to build his house. After the walls were constructed, but before the roof was tiled, the governor of Bourdour stopped the work. The official permit to build being produced, the governor said that he had received information that Mr. Bartlett intends to open a school in the house, which he, the governor, did not wish to have done. After long discussion upon representation of the injustice of issuing a permit to build and then seeking to set it aside after the building was nearly completed, permission was given to tile the roof in order to save the walls from injury.

A new governor was recently appointed to Bourdour, and he has again stopped the work upon the house, declaring that he has orders from the minister of the interior to destroy the house, unless Mr. Bartlett will bind himself never to hold a school or religious worship upon the premises.

While the protocol on real estate provides that Ottoman law shall govern the enjoyment by foreigners of their real estate property in Turkey, it certainly does not contemplate the arbitrary interference of officials to prevent Americans from using the property which they have bought. Hence it is to be hoped that the Sublime Porte may see fit to intervene to protect Mr. Bartlett against the lawless suppression of his right of property, and setting aside of his formal permission to build. It is to be noted that permits to build are issued on the sole condition of conformity to municipal regulations as to manner of construction, containing no warrant for inquiry into the owner's intentions as to the use of the building. In fact this inquiry is needless since it is evident neither Mr. Bartlett nor any other house owner can use his house for any illegal purpose.

Mr. Hirsch to Mr. Blaine.

No. 375.] LEGATION OF THE UNITED STATES,
Constantinople, January 11, 1892. (Received January 25.)

SIR: I have the honor to acknowledge your instruction, No. 263 of December 14, 1891, completing and amplifying the instructions contained in your No. 249 of October 1, 1891, touching the subject of the conversion of dwelling houses into churches and schools without authorization, in regard to which subject the Sublime Porte had addressed a verbal note to the legation on August 17, 1891, a copy of which, together with a proposed reply in concert with the British embassy was sent to you by the chargé d'Affaires in his No. 344 of September 10, 1891.

In closing your dispatch I am instructed if it would aid in the comparison of views between the legation and the British embassy, to communicate its contents to the ambassador.

The much lamented death of Sir William White unfortunately rendered it impossible to avail myself of this part of your instructions, and in view of the uncertainty of Sir Clare Ford's arrival here to assume the functions of ambassador, it has not seemed well to me to leave the Porte's verbal note of August 17 longer without an answer. I have therefore to day handed to the minister of foreign affairs, and had read to him, in translation, in my presence the verbal note of which a copy is herewith inclosed.

In conversation the minister said that it was not the intention of the Ottoman Government to interfere with the free exercise of religious rights, but that there were laws and regulations and it was expected that these be observed. The note of August 17, he observed, was a circular note, sent to all embassies and legations, and he had not heard of any special infraction of the law imputed to American missionaries, and in case such comes to his notice he would notify the legation.

I told the minister that the United States Government expected American citizens to obey the laws of the land in which they were domiciled, and that the missionaries had always done so and would continue to do so as long as rights secured to them under the capitulations and treaties and until now exercised, not only with the knowledge of but also under the protection of the Turkish Government, be not interfered with, and that we expect that they be permitted the continuation of the enjoyment of the privileges to which many years' sanction entitles them. I took occasion also to say that reports from the interior of the Empire would seem to indicate a less friendly spirit toward our missionaries than was formerly displayed. I permit myself also to express to the Department my apprehensions aroused by the disquieting and unfavorable change in the attitude of the local authorities all through the Empire, and in this connection feel constrained to suggest to the Department the urgent necessity of establishing a United States consulate at Erzeroum, the center of an important mission district, and one where we have no consular representation, our citizens living there being left to the good offices of the British consul.

The discouraging signs in divers quarters convince me that the establishment of a consulate there is now become an immediate necessity.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 375.]

Mr. Hirsch to the Sublime Porte.

LEGATION OF THE UNITED STATES,
Constantinople, January 9, 1892.

In acknowledging the verbal note, No. 101120–10 of the 17th of August, 1891, which the ministry of foreign affairs addressed to the United States legation, in which it is stated that it has sometimes happened that missionaries and religions have converted their dwelling houses into churches or schools without authorization, and that instructions have been given to the competent authorities to see that such conversion be prevented, the legation is constrained to observe that the definitions of the said note are so vague and wanting in exactitude that a categorical reply to the request contained in it is scarcely possible. This legation would therefore invite the ministry of foreign affairs to explain in what it conceives such conversions to consist. It may, however, be here laid down as a fundamental principle inherent in and protected by the capitulations and treaties, that the missionaries and religions possess the right to worship according to the rites of their several denominations in their houses and upon their premises, as long as the rights of others and public order be not thereby trenched upon or disturbed; it is not, therefore, conceivable that the verbal note of August 17 was animated by an intention to curtail or infringe upon this, the first and most necessary right of foreign missionaries.

Pending a clearer understanding of the meaning and intentions of the Sublime Porte, it has not been found expedient to comply with the request contained in the said note, that its provisions be communicated to the American missionaries in the Empire. It is moreover expected that instructions sent to the competent authorities in the provinces contain nothing affecting the status of American missionaries to their disadvantage, or subjecting them to any new or unusual treatment.

Mr. Hirsch to Mr. Blaine.

No. 379.] LEGATION OF THE UNITED STATES,
Constantinople, January 22, 1892. (Received February 8.)

SIR: I have the honor to inclose herewith a copy of a note to the Sublime Porte, protesting against the provisions of a ministerial order, a copy of which is also submitted, recently sent to the provinces concerning the conditions for opening and maintaining schools which are not in harmony with the law and usage until now observed.

In dispatch No. 276, of Mr. King to the Department, dated January 11, 1887, the one hundred and twenty-ninth article of the Ottoman school law of 1869 is given, and the provisions of this law, viz, that the books used and the system of instruction and the diplomas of the teachers should be submitted to the inspection of a mixed council, have always been scrupulously observed by the American missionaries as is pointed out in the inclosed note to the Porte; it is owing to the failure of the authorities to coöperate if these provisions have remained ineffective.

The pretension now advanced by the Porte, that a permit must be obtained for each school is rejected by the legation; the admission of this claim would clearly constitute an acknowledgment that these schools have until now existed by toleration but without legal sanction, which we can not admit.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 379.]

Mr. Hirsch to the Sublime Porte.

LEGATION OF THE UNITED STATES,
Constantinople, January 21, 1892.

Mr. MINISTER: The provisions of the order issued to the local and provincial authorities from the Sublime Porte, under date of December 28, 1307 (1891, O. S.), in which instructions are given concerning the conditions for opening and maintaining schools, having come to my notice, I am constrained to immediately point out to your excellency what would seem to me the imperative necessity of furnishing the same authorities with such explanatory instructions as may make clear to them the status of the American schools in their several districts, and thus forestall the erroneous interpretation of the Sublime Porte's intentions in issuing this order, which appears to be imminent, and which, if acted upon, would undoubtedly occasion much injustice and might disturb that harmony which it is the care of this legation to solicitously foster between all American citizens under its jurisdiction and the authorities of His Majesty's Empire.

Your excellency will concede me that, since immemorial time, schools have been free, and I am unaware of any restrictions governing them prior to the *hatti houmagoum* of 1856, which may be considered to have the force of an international agreement, and which, in its fifteenth article, says: "Moreover, every community is authorized to establish schools of science, arts, and industry; only the method of instruction and the choice of professors in schools of this class shall be under the control of a mixed council, whose members shall be named by my sovereign will."

These conditions, and the conditions of control demanded by the one hundred and twenty-ninth article of the law of public instruction, based upon the *hatti houmagoum*, have been long since fulfilled by all the American schools; *i. e.*, the books in use, the system of instruction, and the diplomas of the teachers, have always been freely offered for the approval of the local authorities.

But while the local authorities should, upon such compliance with the law, have then registered all these schools, the only result of these efforts on the part of the American school boards to conform to the Imperial order, was the official approval by the censorship of the books used, the local authorities saying that they had no instructions or powers qualifying them to certify to the programme of studies or the teachers' diplomas, as the law commanded, unless, indeed, I except that most frequently the American diplomas thus presented were lost by the officials or mislaid and never returned. Under these above-indicated conditions, therefore, we claim and have exercised the right of opening schools throughout the Empire, which are and have been always under the protection of the United States legation.

I find nothing in the law requiring a formal application for a permit, and such permit, if held to be convenient by the local authorities, should be at once issued by them, upon the lawful conditions being fulfilled.

I may here invite your excellency's attention to the circular letter of the minister of public instruction, dated December 16, 1302, and to the vizerial circular that followed shortly afterwards, and by which the local authorities were unequivocally instructed to permit these schools to continue their work unmolested.

In offering these observations to your excellency I allow myself to believe that a due consideration of their gravity may lead to the adoption of measures that may effectually prevent any interference with the scholastic work of foundations under the protection of my Government.

I avail, etc.,

SOLOMON HIRSCH.

[Inclosure 2 in No. 379.—Translation.]

Ministerial order concerning schools.

The prohibition against founding or opening in the Ottoman Empire schools or places of worship, without obtaining official permission, is reiterated.

Moreover, peremptory instructions will be given to those concerned that in respect to schools or places of worship that have been opened without official permission it will be necessary for them, within a period fixed according to the locality, to obtain by the usual method permits for these also; and, further, that those schools and places of worship which do not obtain permits within the specified time shall be closed. It must be made known to them also that those who found schools or places of worship without permission will be treated according to the provisions of Article 129 of the law of public instruction and to the present edict. The decision of the high council

of ministers upon these points having received by iradé the sanction of His Imperial Majesty the Sultan, the orders necessary for its execution have been delivered to the ministry of the interior, the ministry of foreign affairs, and communicated to the ministry of public instruction.

DECEMBER 28, 1307 (1891, O. S.)

Mr. Hirsch to Mr. Blaine.

No. 380.] LEGATION OF THE UNITED STATES,
Constantinople, January 25, 1892. (Received February 12.)

SIR: The inclosed verbal note from the Sublime Porte, in which the legation is requested to instruct United States consuls in the interior to refuse protection to the natives of this Empire naturalized as American citizens, who, as the note states, furtively betake themselves to America and after obtaining citizen papers return to their native country, and whose acquired citizenship is not recognized by the Ottoman Government, in virtue of their law forbidding a Turkish subject to expatriate himself without the Imperial consent, has been received from the Sublime Porte.

Conversing with the grand vizier upon this subject, his highness spoke of the impossibility of acknowledging the claims of this class of citizens, and said, "Your laws on naturalization are your own internal affair; our laws on the matter must be observed in the Empire." I said that I trusted such orders might be everywhere given as should cause every United States passport presented to be respected, and before closing the interview it was understood that this note reopened the question of naturalization now, since more than a year in suspense, and which the vizier plainly showed it was his desire to settle.

Acting upon the tenor of our conversation, I deemed it advisable to also take some steps at the palace, from which quarter, it may be remembered, the last opposition came, and consequently Surreya Pacha, private secretary to the Sultan, and who has His Majesty's ear, has been informed of what passed at the Porte and the position which this legation has taken in the question.

A reply has been sent to the Porte's note which, as may be seen from the inclosed copy, is brief and in the sense of my verbal reply to the grand vizier, viz, that our naturalization law provides for the protection of every validly naturalized citizen in all lawful necessities, wherever he may be, and that I expect American passports to be everywhere and always respected.

Information concerning whatever progress may be made in this negotiation will be furnished to the Department.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 380.—Translation.]

Said Pasha to Mr. Hirsch.

MINISTRY OF FOREIGN AFFAIRS,
Constantinople, January 9, 1892.

It appears from a report of the prefecture of police that a certain number of Ottoman subjects, inhabitants of Asiatic Turkey, betake them furtively to America, and after remaining there for some time, return to their country provided with American passports, and claiming to pass as citizens of the Republic.

As, according to the Ottoman law on nationalities, Ottomans have not the right to acquire foreign naturalization without having first obtained the authorization of His Imperial Majesty the Sultan, the Sublime Porte is unable to admit illegal changes of this nature, and begs the United States legation to kindly send instructions to its consuls and agents in the Empire that they may not eventually give their protection to this category of individuals—natives of the country—in order to prevent difficulties with the Imperial authorities.

[Inclosure 2 in No. 380.]

LEGATION OF THE UNITED STATES,
Constantinople, January 22, 1892.

The United States legation has received the verbal note which the minister of foreign affairs did it the honor to address to it under date of January 9th, relating to a report of the prefecture of police with regard to certain Ottoman subjects, who, after becoming naturalized citizens of the United States, return to their native country, and whose citizenship is held by the Sublime Porte to be invalid, in virtue of the law forbidding Ottoman subjects to expatriate themselves without the Imperial permission.

In reply this legation begs to point out that five years' continuous residence in the United States, and the fulfillment of certain conditions prescribed by law, entitle a foreigner to admission to citizenship, if he may so desire, and to all the rights and privileges of an American citizen, among which is the right of travel, either for business or pleasure. Anyone in the Empire duly in possession of an American passport is entitled to the protection of the United States Government. This legation, in consequence finds itself unable to comply with the request contained in the aforesaid *verbal* note that orders be issued to the United States consuls in the Empire to refuse protection to those naturalized American citizens, and permits itself to hope that instructions may be given to the minister of police that shall insure the respect due to every American passport presented.

Mr. Hirsch to Mr. Blaine.

No. 382.] LEGATION OF THE UNITED STATES,
Constantinople, January 27, 1892. (Received February 12.)

SIR: I have the honor to inclose herewith a copy in translation of a note verbale from the Sublime Porte in answer to the note verbale of this legation of January 9, on the subject of the "Conversion of private houses into temples and schools by the American missionaries."

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 382.—Translation.]

Sublime Porte to Mr. Hirsch.

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS.
Constantinople, January 20, 1892.

The ministry of foreign affairs has received the verbal note which the United States legation has done it the honor to address it on January 9, relative to religious and scholastic establishments in the Empire.

The foundation of these establishments is subject in Turkey, as everywhere else, to certain formalities. The object of the Sublime Porte is not to impede in any way the exercise of worship or instruction, but simply to prevent any contravention of the established rules. The United States legation, which is as careful of the observation of these rules as of the interests of the missionaries will, the ministry is persuaded, lend the Imperial ministry its valuable assistance in preventing any such infractions.

Mr. Hirsch to Mr. Blaine.

No. 383.] LEGATION OF THE UNITED STATES,
Constantinople, January 29, 1892. (Received February 12.)

SIR: Referring to my No. 379, I have now the honor to inclose herewith a clipping from the Levant Herald, of January 27, 1892, with English translation, containing the order lately issued in relation to schools.

It does not appear that any of the other missions here have taken any steps at the Sublime Porte in behalf of their schools, but I am officially informed that Mr. Fane, the British chargé d'affaires, will apply to London for instructions. Copies of my notes to the Porte, Nos. 86 and 87, of January 9, have, by request, been furnished by me to the embassy.

The powers mainly interested in schools in this Empire (aside from the United States) are England, France, and Italy. I do not doubt but they will take some action in the premises.

I have, etc.

SOLOMON HIRSCH.

[Inclosure in No. 383.—Translation from the Levant Herald of January 27, 1892.]

SCHOOLS.

It is categorically forbidden to build hereafter, to found and open without official authorization schools or to transform dwelling houses into schools, either in Constantinople or in the provinces of the Empire. In the contrary case, the competent authorities will impede the transformation of a dwelling into a school or the opening of an establishment of instruction, and inform the Sublime Porte.

All the schools previously opened without authorization must be provided with it in a period to be determined *ad hoc*. It will be proceeded to the closing of those which would have not, at the expiration of that period, obtained that authorization, and the prescriptions of Article 129 of the regulation on public instruction will be applied with regard to persons who would act against the law.

These measures, sanctioned by an Imperial iradé, have just been communicated by the ministry of the interior to the provincial authorities—the ministry of public instruction brought them to the knowledge of the directors of public instruction.

It is therefore evident that the foundation, the opening of the schools, and the transformation of a dwelling into a school, shall not be made except with an official authorization, as it is above stated.

The directors, founders, and competent authorities of all the schools, without exception, previously opened at Constantinople and its suburbs, which have not yet obtained the official authorization of the ministry of public instruction must, in a period of a month and a half from the date of the present notice, address to the said ministry and request the necessary authorization.

In default, at the expiration of this period, those schools shall be closed in conformity with the Imperial iradé which sanctions these measures, and Article 129 of the regulation on public instruction.

Mr. Blaine to Mr. Hirsch.

No. 281.] DEPARTMENT OF STATE,
Washington, February 10, 1892.

SIR: I have to acknowledge the receipt of your No. 379 of 22d ultimo, and to approve the note of 21st ultimo, in which you protest against the provisions of a ministerial order recently sent to the provinces concerning the conditions for opening and maintaining schools, as not warranted.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Hirsch.

No. 285.] DEPARTMENT OF STATE,
Washington, February 24, 1892.

SIR: I have received your No. 383 of 29th ultimo, with which you inclose an extract from the Levant Herald of January 27, 1892, giving the text of the recent order of the Porte regarding authorization of schools.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Hirsch.

No. 288.] DEPARTMENT OF STATE,
Washington, March 2, 1892.

SIR: I transmit for your files a copy of a letter of Mr. Smith, of the American Board of Commissioners for Foreign Missions, commending your action on behalf of American missionaries, and a copy of the pamphlet therewith.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 288.]

Mr. Smith to Mr. Blaine.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
1 Somerset Street, Boston, February 26, 1892.

DEAR SIR: I send you to-day a printed copy of an "appeal on behalf of religious work in the Turkish Empire from representatives of Bible and missionary societies at Constantinople," which has recently been received from England. Our missionaries have joined in the appeal with the representatives from England residing in Turkey, and the pamphlet will explain itself. I am sure that you will read it with no little interest.

A letter just received from Mr. Dwight speaks in terms of great satisfaction in respect to the instructions which Mr. Hirsch has received from the Department of State, covering quite fully the second point mentioned in the appeal; that is, the securing recognition of the right of missionaries to have schools and hold worship in their houses. He says, and I think we may take his words as expressive of the sentiment of our missionaries generally in the Empire, "We owe acknowledgments to our Government for the prompt way in which Mr. Hirsch has let the Porte know that the existing mission establishments are under United States protection, and may not be disturbed without disturbing the relations of amity the United States has always been glad to maintain with Turkey." It gives me great satisfaction to communicate to you this statement from our missionaries and to add thereto the equally hearty expression of satisfaction on the part of all the officials of the American board at these rooms. It is what we had expected, but it as gratifying as if it were a surprise.

Mr. Dwight touches upon another point in his letter in these words: "I think that equally clear support of the first point in the appeal, namely, that books once authorized by the Turkish Government are entitled to all the rights and privileges of other merchandise, has not been given from Washington." This point is so well presented in the appeal which I am sending that I am sure nothing needs to be added to what is there presented in the way of pointing out the need of instructions upon this point and the just basis upon which they may be given.

Assuring you again of the satisfaction with which this tidings from Constantinople has been received, and of the great gratification which I experience in being able thus to come to you, not so much with a request as with thanks and appreciative words.

I am, etc.,

JUDSON SMITH,
Foreign Secretary American Board of Commissioners for Foreign Missions.

Mr. Hirsch to Mr. Blaine.

No. 397.] LEGATION OF THE UNITED STATES,
Constantinople, February 29, 1892. (Received March 15.)

SIR: Rev. H. O. Dwight, in a letter of this date, a copy of which is herewith inclosed, informs me that private letters addressed to the missionaries at Mardin had been detained for examination. During an interview to-day with his highness the grand vizier, I brought the matter to his attention and said to him that I could not consent to the examination of private letters of American citizens. His highness replied that no censorship is contemplated over such private correspondence, nor had any order to that effect ever been issued to his knowledge, and that immediate inquiry would be made to ascertain upon what authority the Mardin officials acted. A censorship, he stated, was exercised over printed matter, including newspapers coming into the Empire, some of which, issued by Armenians in America and containing articles inimical to the Turkish Government are sent here and into the provinces from the United States. Further than that no examination of mail matter will be had.

I have, &c.,

SOLOMON HIRSCH.

[Inclosure in No. 397.]

Mr. Dwight to Mr. Hirsch.

BIBLE HOUSE,
Constantinople, February 29, 1892.

DEAR SIR: The authorities at Mardin on 15th of this month detained for examination letters as well as printed matter which had arrived by international post for the American missionaries in that place. They declared that they have strict orders to read all letters from abroad arriving by post. On this occasion, after some conversation, the mufti gave up the letters unopened, but declared that it was a special favor due to his confidence in the loyalty of the missionaries.

I judge that there must be some misunderstanding at Mardin of an order concerning the censorship of printed matter. May I venture to ask your intervention to secure the sending of instructions to Mardin that the private correspondence of Americans which is intrusted to the Ottoman posts must not be opened or detained.

Very respectfully,

H. O. DWIGHT.

Mr. Hirsch to Mr. Blaine.

No. 399.] LEGATION OF THE UNITED STATES,
Constantinople, March 2, 1892. (Received March 22.)

SIR: My note of January 21 to the Sublime Porte on the subject of American schools in Turkey (of which a copy was sent to you in my No. 379 of January 22) has been followed up by various personal interviews with both his highness the grand vizier, and his excellency the minister of foreign affairs. As in the note, I seized every opportunity to impress upon the minds of the ministers that our schools, having in every particular complied with the law, have an undisputable right to continue their work unmolested, while new schools may be established by American missionaries after having complied with the provisions of Article 129 of the school law of 1869, to which law this lega-

tion had given its consent. I refused assent to any new regulation or compliance with any new requirement, such as the recent order contemplates, otherwise the very existence of the schools would be jeopardized. The grand vizier, evidently recognizing our rights under the capitulations and treaties, suggested that he would prefer not to discuss "the principle" of the question, but to otherwise arrive at a satisfactory solution. I assured his highness of my earnest desire to coöperate in so laudable and necessary an effort.

I made a written memorandum of my views as follows:

(1) The presentation as required by Article 129 of the school law, of the books to be used, the programmes of studies to be followed, and the diplomas of the teachers entitles the interested party to open the school within ten days after such presentation, provided the books are found unobjectionable.

(2) Books which have been approved by the ministry of public instruction must be admitted as unobjectionable for all the schools without exception.

(3) Inspectors shall not visit the schools without being accompanied by a notable of the religious community to which the school belongs.

I was asked to strike out at the end of Article 1 the words: "Provided the books are found unobjectionable," and in their place accept the following: "Provided there is no objection to their being opened."

This proposition I rejected unconditionally, otherwise objections to opening schools would always be forthcoming.

I was asked to assent to the following provision: "That no Moslem children be admitted into these schools unless they have certificates to show that their religious education has been completed." This, if consented to, would impose an amount of detective work on the missionaries which should not be required of them; any error in ascertaining the religion of an applicant, however innocently committed, might, and no doubt would, subject the school to being closed; for which (if for no other) reason, I rejected this further proposition. I kept the missionaries informed of my interviews and discussions with the ministers. Rev. Henry O. Dwight, under date of February 24, addressed me a letter, a copy of which is herewith inclosed, in which his views and those of his colleagues on the subject of schools under this recent order are set forth, as also his reasons for objecting to the new attempted requirements on the part of the Ottoman Government. In their personal interviews with me the missionaries have not hesitated to say frankly that in the light of their experience of over sixty years in this Empire, they look upon this attempt on the part of the Turkish Government as marking the most critical period in the existence of their educational institutions.

Nearly or quite four weeks ago Mr. Fane, the British chargé d'affaires, inquired of me as to our action in this matter. I showed him my note to the Porte, and by request gave him a copy of it for transmission to the foreign office in London (having previously furnished him with a copy of my note of January 9 on the subject of the conversion of dwelling houses into schools and places of worship). In response he received telegraphic instructions to address a note to the Porte of the same tenor as the American note. Mr. Fane was good enough to send me a copy of his note, of which I inclose a duplicate herewith. Although instructed (as he told me) to "follow" the American note, it will be noticed that he possibly surrendered a most vital point, when he said on page 3 "unless a reasonable and acceptable justification is given for the refusal of the required authorization." I

should state, however, that in the letter accompanying the note I was informed that it had not yet been approved by the foreign office.

The French ambassador, as the protector of the Catholic schools here, has also for some time been discussing this subject with the Porte. He is quite reticent, but I have it from a very reliable source that he has refused to yield any point to the Turkish demand.

The present action on the part of the Turkish Government in this matter is generally believed here to be an effort to destroy the usefulness of the foreign schools in this Empire (of which the American schools form by far the greatest part). It is in keeping with the reactionary spirit in vogue here now. Unless properly met this question will be a troublous one for years to come, while a firm stand now will in my judgment have favorable results. I do not think that any vital concession should be made.

I will keep the Department advised of any further developments.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 399.]

Mr. Dwight to Mr. Hirsch.

CONSTANTINOPLE, *February 24, 1892.*

DEAR SIR: Referring to our conversation of Friday last, on the rights claimed by American missionaries in Turkey, I desire to thank you for myself and for my associates for your patient interest in our opinions on this subject.

At the same time I beg leave to offer in writing the objections which I then orally expressed to the recent proposals of his highness the grand vizier. As I remember them, these proposals are in brief, first, that after the American schools have submitted to official inspection and control their books and course of study the Ottoman Government shall authorize them, unless it sees reasons which will justify a refusal to do so, and, second, that these schools shall accept as a condition of their existence the obligation to refuse admission to pupils of the Mohammedan religion who have not provided themselves with a special form of permit.

Upon the first of these proposals I would say: The essential point of the complaints relating to American schools, with which it has been my unpleasant duty during the last six or seven years to beset the United States legation, is that officials of the Turkish Government have claimed the right, when they think they see sufficient reason to justify the action, to close American schools or to refuse to allow them to be established. The proposal now referred to aims at the perpetuation, by formal agreement, of the state of affairs which has already given rise to so just complaints.

I would consider the acceptance of this proposal as against public policy, because it tends in an incidental and inconsequent manner to the abrogation of important clauses of the capitulations. The capitulations carefully reserve to the United States Government the right of revising and, in case of need, of staying the execution of orders of Turkish officials, or even of Turkish courts, which touch the persons or the personal property of Americans established in Turkey.

But this proposal, by giving to the Turkish Government the right to deal directly and finally with the educational system established in this country by Americans and by American capital, contemplates the surrender of that reservation so far as concerns those Americans who are engaged in teaching in Turkey. Again, the capitulations having fixed the general duties and obligations of Americans residing in Turkey, it is an admitted principle that new regulations prescribing new obligations can be applied to them by mutual agreement only.

But this proposal is in effect a proposal that in respect to the enterprises of American teachers residing in Turkey the Sublime Porte shall henceforth be free to make new regulations or otherwise modify the *status quo* without the previous consent of the United States Government. The wide results possible to be derived from the establishment of precedents of this nature need not be dwelt upon in detail.

A wide experience justifies distrust of the qualifications of Turkish provincial authorities for the exercise of judicial functions like those proposed to be intrusted to them by this proposal. The Turkish Government itself shows similar distrust, by

giving them power to close, but none at all to open, a school. In 1884, when the demand was first made that Americans should, as a matter of form, apply for permits for their existing schools, some such applications were made. In several of these cases the application led to the immediate closing of the school, showing that the request for a permit was regarded as conferring the right to refuse the request. Observation of the character of the reasons found sufficient in the past to justify the closing of American schools leads to the same distrust. American schools have been closed on the avowed ground that the people have enough schools, that some notable does not wish the school to continue, that the founders of the school are Protestants, that the number of pupils who wish to attend does not warrant the school, that the owners of the school permit the schoolhouse to be used for religious worship on Sunday, that American ideas are dangerous, etc. The mental state which allows such reasons to appear sufficient to justify the suppression of an educational enterprise carried on in conformity to the laws of the Empire is not comprehensible to the western mind. Especially is this difficulty felt on looking at the simple and liberal principle which, as the immutable law of the Empire, authorizes in the *hatti humayoun* of 1856 the free opening of schools, only reserving to the Government the right of inspection and control over the method of instruction and the choice of teachers.

The school law of 1869, based upon this charter, fixes the only condition which can legally justify refusal of the authorities to allow the school, when it says that schools shall be authorized which submit to, and schools shall be closed which refuse to submit to, the official inspection and control of the books in use, the course of study followed, and the choice of teachers to be employed. For the sole reason that the law and the *hatti humayoun* are thus precise, it is my opinion that the proposal which contemplates other possible justifications of the closing of a school should be firmly rejected.

It is true that the school law of 1869 has never been observed in the practice of the provincial officials save as a means to close schools. I have never known a case where a permit for a school was granted on the fulfillment of those conditions alone which are laid down in the law, and I have never known a case where a permit for a school was granted on any conditions, in the manner prescribed by the law, namely, by the provincial authorities, without reference of the question to the overburdened departments at the capital. But this is a reason the more for insisting that if Americans are to suffer the disadvantage of having books forbidden to them under this law which are deemed essential in any other country which has schools, they should also have the advantage of enjoying, under this law, freedom from other interference with their educational work.

It is difficult to appreciate the grounds on which the proposed modification of the privileges now enjoyed by American teachers is deemed necessary. In 1885 and 1886 the declaration was repeatedly made by the ministry of public instruction that the only change sought to be introduced in the then existing usages of the American schools was to secure, in view of the fact that they instruct Ottoman subjects, the inspection and control required by the law of 1869. The promise was made, if I mistake not, to the United States legation that if these schools submitted to the desired control there would be no further molestation of them. The schools submitted to the control, and, notwithstanding the loss in efficiency produced by stringent censorship and rejection of essential books, the wishes of the Government inspectors have been loyally followed ever since. The Turkish Government is, therefore, secured against the giving of instruction in these schools which it deems morally or politically dangerous.

Concerning the second of the proposals of his highness the grand vizier, I believe I have already shown why it may not be legally made a condition of the existence of the American schools. The American missionaries would not be willing to accept the proposal that they be under obligations to exclude Mohammedan pupils from their schools, for the following reasons:

Leaving out of sight the interest of the schools in continuing to enjoy the patronage of a class of the population commonly eager to pay for an education, and the fatal objection to the proposal found in the fact that it would make the school teachers become inquisitors and detectives of the Government to ferret out the real religious views of the applicants for admission, there are yet other insurmountable objections.

(1) Appreciable numbers of pagans yet exist in the empire. They neither accept Mohammedanism nor affiliate with Mohammedans. They do not receive acceptance and fellowship from their Mohammedan neighbors. Yet the Government officially declares them to be Mohammedans and is making strenuous efforts to force them to become so. The schools of the Reformed Presbyterian Church of the United States which are located in northern Syria have numbers of these pagans in their classes. Should the proposal to reject Mohammedan pupils from American schools be adopted it would lead to instant contest over the religious belongings of these pupils and

might result in the closing of an educational work among these people which has prospered during thirty years.

(2) The acceptance of a religious test as a standard for the rejection of pupils, implies assent to the setting aside of the Ottoman law that all religious communions are of equal rights and that no man may be molested on account of his religious belief.

(3) The admission of the privilege of American missionaries to instruct Ottoman subjects in their schools is the ground on which these schools have been multiplied in all parts of Turkey. To admit now that the Turkish Government may enjoin these schools from receiving one class of Ottoman subjects is the same thing as admitting that it may forbid their receiving any class of the very people for whose education they have been founded and who show such readiness to enter upon their advantage.

I can not refrain from adding that the impression is growing in my mind concerning this whole question, that certain officials show a tendency to regard the repression of education among the Christian subjects of Turkey as a political necessity. If this impression is correct it fully justifies protest against intrusting to such officials the decision of the reasons which may validly warrant the closing of American schools.

I can only hint, in closing, at far greater than American interests which may be compromised by the acceptance of innovations that propose to limit by the will of the Ottoman officials the freedom of education among the non-Moslem people of Turkey, now guaranteed by treaty. It does not belong to the United States Government to concern itself with the state of any class of Turkish subjects; yet my sympathy with the desire for intellectual and moral progress visible among all classes of the people of Turkey leads me to remark that even with the most liberal intentions Mohammedan officials can hardly avoid being influenced by prejudice in deciding the amount of culture essential to the well being of non-Moslem communities. Where any bias of narrow bigotry exists officials intrusted with such far-reaching powers, might do much to destroy higher education among those classes of the population which dissent from the established faith of the Empire.

Trusting that I have said enough to justify the opinion that the two proposals here considered should be rejected, I remain, etc.,

HENRY O. DWIGHT.

[Inclosure 2 in No. 399.]

Note verbale of Her Brittanic Majesty's embassy at Constantinople to the Sublime Porte (No. 16, February 13, 1893).

Her Majesty's embassy has the honor to acknowledge the receipt of the Sublime Porte's note verbale No. 64, of the 17th August last, in which it is stated that it sometimes happens that missionaries have converted their private houses without authorization into churches or schools; that it has been decided that in future such a transformation shall be prevented and that instructions in this sense have been sent to the local authorities.

In reply Her Majesty's embassy, acting upon instructions received from Her Majesty's Government, begs to point out to the Sublime Porte that it maintains as a fundamental principle inherent in and protected by the capitulations and treaties that missionaries possess the right to worship according to the rites of their several denominations in their houses and upon their premises so long as the rights of others and the public order be not thereby trenched upon or disturbed, and it is therefore presumed that the note verbale of August 17th was not animated by an intention to curtail or infringe upon this the most necessary right of British missionaries.

As regards the provisions of the order recently issued by the ministry of public instruction, relating to the building, founding, and opening of schools in the Ottoman Empire, which has come under the notice of Her Majesty's embassy, it appears expedient, in order to avoid any future misapprehension, that the views of Her Majesty's Government should be clearly stated upon the position of schools founded by British missionaries and the restrictions under which they are legally controlled.

Her Majesty's Government have always fully recognized the conditions imposed by the one hundred and twenty-ninth article of the law of public instruction based upon the *hatti humayoun* of 1856, according to which article authorization for the founding of a school will, on application being made, be given in the provinces by the governor-general and the academic council, and at Constantinople by the ministry of public instruction, on condition of the diplomas of the teachers, the course of study, and the class books being submitted for approval of the ministry of public instruction or of the academic council of the district, unless a reasonable and acceptable justification is given for the refusal of the required authorization.

Under these conditions, therefore, Her Majesty's Government claim for British subjects the right hitherto exercised of opening schools throughout the Ottoman Empire which are and ever have been under the protection of Her Majesty's Government.

The attention of the Sublime Porte is also called to the circular letter of the minister of public instruction of December 28, 1886, and to his highness Kiamil Pacha's vizieriat circular of later date, by which the provincial authorities are distinctly instructed to permit the schools to continue their work unmolested, and that schools already established which have complied with the necessary conditions are not to be closed for lack of official permits, while any complaints made by the provincial authorities against delinquent schools must be referred to the ministry of public instruction before any action is taken against them.

In offering the above observations to the Sublime Porte, Her Majesty's Government trust that the recent circular of the minister of public instruction may not be misinterpreted so as to infringe upon the rights of British subjects secured to them by treaties, and that instructions may at once be sent to the local authorities to prevent any illegal molestation of British missionaries in their religious and educational pursuits.

Mr. Hirsch to Mr. Blaine.

No. 407.] LEGATION OF THE UNITED STATES,
Constantinople, March 18, 1892. (Received April 2.)

SIR: Rev. H. O. Dwight, by letter dated March 14, 1892, copy of which is herewith inclosed (No. 1), informs me of the arbitrary seizure, in September, 1891, of a house in the village of El Jenderieh, in the district of Latakia, the property of the Rev. Mr. Eason, together with the closing of the school which has been kept therein without interruption for many years. He also informs me of the attempted seizure, in November last, by order of the same official, the well-known Zea Bey, of a house in the village of Eldaine, likewise the property of Mr. Eason, and also for many years used for school purposes. The timely intervention of Consul Bissinger at Beirut caused a temporary suspension of this order. The memorandum of the case (inclosure No. 2), as well as the reply of the vali of Beirut (inclosure No. 3) to the United States consul, show clearly that there is not a shadow of right or law to mitigate the offense.

It is difficult to conceive that an official of the high rank of governor-general would, as the vali of Beirut has in this case, permit a man to be dispossessed of his honestly acquired property without the least semblance of law, and then calmly refer him to the courts for redress.

I have urged the immediate restitution of the property to Mr. Eason and the reopening of the closed school, in a note to the Sublime Porte (copy, inclosure No. 4), as well as in a personal interview with his excellency the minister of foreign affairs, who promised a prompt investigation.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 407.]

Mr. Dwight to Mr. Hirsch.

BIBLE HOUSE, *Constantinople, March 14, 1892.*

DEAR SIR: Inclosed I have the honor to hand you a memorandum of the facts relating to the seizure of school property belonging to the American missionaries at Latakia and situated in the villages of that district. The order to seize the property has been executed in only one of the cases, although notice to quit has been served

on the agent of the mission in charge of the school at Eldaine also. I also inclose a translation (with a copy of the Arabic original) of the answer of the governor-general of Beirut to Mr. Consul Bissinger concerning these seizures. The vali seems to justify them on two grounds while saying that he has referred the cases to the department of the interior, namely: That the schools were opened without permission, and that in the case of schools in operation, the one during twenty-seven and the other during twenty-four years, the plea of lack of official authorization is particularly inadmissible. Nor is it needful to point out the illegality of ousting the actual owner without process of law because it is alleged that his title is defective.

The sixty-second article of the treaty of Berlin provides that the right of official protection by the diplomatic and consular agents of the powers may be extended both to the persons of ecclesiastics, pilgrims, and monks of all nationalities and to their religious, charitable, and other establishments. This effectually bars any claim on the part of the Ottoman Government that this case is one for it to settle as being a real-estate question. Hence I hope that you may see fit to request of the Porte the immediate restoration of the property in the village of El Jenderieh to Mr. Easson, and the formal order to the governor of Latakia to refrain from executing his order in reference to the property in the village of Eldaine. After this is done of course the courts are the proper place for any claimants to have the title tested. But it appears to me that the sense of justice of the Ottoman Government should lead it to reprimand the governor of Latakia for assuming arbitrarily to drive out the American owner and to place him in the position of a plaintiff before the courts.

Very respectfully, yours,

HENRY O. DWIGHT.

[Inclosure 2 in No. 407.]

Memorandum concerning the seizure of American mission buildings in the district of Latakia, province of Beirut.

In the year 1865 the missionaries of the American Reformed Presbyterian Church established a school in the village of Jenderieh, 7 miles from Latakia, at first renting a house for the purpose, then occupying a house furnished by the village authorities, and finally, in 1883, purchasing for the school a ruined house, which they put in repair. The deed of sale was such as in use in the region, the owner giving to Mr. Easson a document transferring the title to him. This document was written by the ogha for whom the owners worked, and was signed by the two muhtars of the village and by the two witnesses. In September of last year the mutessarif of Latakai, Zia Bey, sent for the former owners of this property and directed them to make out a claim for the property as having been seized by the Americans. This the men did, it is said, in return for a promise that they would be exempted from military service if they did so. The mutessarif then, without notifying the American owners and without having even the form of a trial, sent orders to the village to take the property from Mr. Easson's agent, the native teacher in charge of the building, and to restore it to the former owners. This was done, although during all these eight years no claim has ever been advanced of dispute to the title.

In the year 1868 the same missionaries established a school in the village of Eldaine, in the karza of Sahyun (district of Latakia). Two years later they bought land and built a schoolhouse (1870). This was held at first in the name of the teacher, an Ottoman subject, but on the acceptance of the land-tenure protocol by the United States Government it was transferred to the name of Mr. Easson and his associates, the new deed being dated 1877. An upper room and a stable were added to the house in 1884 for the personal use of the missionaries. The kaima kam of the district and other government officials have always been guests at this house on their visits to the village, and the school has been repeatedly commended by the various governors during the twenty-four years of its existence. On the 2d of November, 1891, the mutessarif of Latakia sent an officer to this village to take this property from the hands of the teacher, who, as Mr. Easson's agent, has charge of the school, and to give it over into the hands of the representatives of the former owners. The officer gave the teacher ten days in which to move out of the house, and this gave time for Mr. Easson to appeal to Consul Bissinger, of Beirut. Thanks to this intervention the execution of the order was temporarily suspended, but the order from Constantinople to dispossess the Americans is expected by the governor.

[Inclosure 3 in No. 407.—Translation.]

Ismail to Mr. Bissinger.

BEIRUT, *February —, 1892.*

DEAR FRIEND: Some time ago the American, Mr. Easson, presented to the office of the governor-general petitions in which he said that the mutessarif of Latakia had taken from him and given back to the former owners a house which he had bought and repaired in the year 1299 in the village of Eljezarieh, dependent on the liva of Latakia, and also a house which he had owned for twenty years or more in the village of Eldeyne to the kaza of Seyhun, concerning which he desired to have the necessary steps taken.

Upon reference to the correspondence in this case, it became apparent that the question has two branches: First, that the petitioner had at the beginning ventured to open a school for Mussulman children without official permission, and, second, that it is a question of ownership and title.

In regard to the first point, it is absolutely essential that the petitioner, in accordance with law and usage, apply to the Ottoman Government for permission to found and open a school. For the settlement of the second point it is necessary that the petitioner open suit in the local courts against the owners of the land and obtain a judgment against them.

The mutessarif has asked us to take necessary steps in the matter and we have referred the question to the department of the interior.

Accept the assurances, etc.,

ISMAIL KEMAL,
Vali of Beirut.

[Inclosure 4 in No. 407.]

Mr. Hirsch to Said Pacha.

No. 92.] LEGATION OF THE UNITED STATES,
Constantinople, March 17, 1892.

EXCELLENCY: I have the honor to inform your excellency of the following state of facts:

In September last the mutessarif of Latakia, Zia Bey, without any legal proceedings whatsoever, seized the property of the American citizen, Henry Easson, in the village of El Jezarieh, 7 miles distant from Latakia, which had been bought many years ago and for which the owners gave Mr. Easson a document transferring the title, which document was also signed by two mouktars of the village and two other witnesses.

Ever since its purchase by Mr. Easson the house in question has been used for a school which had existed in the village, but in another building, ever since the year 1865.

The seizure of the house without any legal proceedings whatever was a flagrant violation of the law, while the closing of the school, which had been in existence for twenty-six years, in defiance of the vizierial order of 1889, which guaranteed to American schools which had complied with article 1219 of the law of 1869 immunity from molestation, is an infringement on the clearly defined rights of Americans, which calls for reparation.

Not satisfied with this illegal deed, the same mutessarif of Latakia sent an officer on the 2d of November, 1891, to the village of Eldeyne, with an order to seize the property there of the American citizen Easson, which he had bought many years ago and for which he has a good and valid title in his own name, and in which ever since its purchase a school has been taught uninterruptedly, which has often been commended by the various governors visiting it. This order of seizure and closing of the school has been temporarily suspended through the intervention of the American consul in Beirut.

His excellency the vali of Beirut, who was applied to in this matter, in his answer to the American consul, says: "Upon reference to the correspondence in this case, it became apparent that the question has two branches: First, that the petitioner had in the beginning ventured to open a school for Mussulman children without official permission, and second, that it is a question of ownership and title. In regard to the first point, it is absolutely essential that the petitioner, in accordance with law and usage, apply to the Ottoman Government for permission to found and open a school. For the settlement of the second point it is necessary that the petitioner open suit in the local courts against the owners of the land and obtain a judgment against them."

It is to be regretted that the vali of Beirut should ignore the rights conferred by his Government on American citizens by the protocol on real estate, as well as the further rights and immunities from molestation guaranteed to American schools by the vizierial order of 1889, which plainly instructs the officials in the provinces to refer to Constantinople any case in which the closing of a school is in question.

It is a fortunate circumstance, indeed, for my countrymen in Turkey that among His Majesty's servants in the provinces there are not many who would be guilty of such a flagrant violation of law as to seize without even the least semblance of right the property of an American citizen held undisputed for over twenty years, and then refer him for redress to the courts.

In view of the foregoing I request the Sublime Porte to issue a clear and categorical order to the vali of Beirut for the immediate restitution to its American owner of the property here mentioned, and for the reopening of the closed schools. If then there are any claimants to the property, let them have recourse to the courts.

Permit me to take the opportunity to reiterate to your excellency the assurances of my distinguished consideration.

SOLOMON HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 409.] LEGATION OF THE UNITED STATES,
Constantinople, March 21, 1892. (Received April 4.)

SIR: I have the honor to inclose herewith a copy of a note verbale received from the ministry of foreign affairs, calling the attention of the foreign representatives at this capital to certain modifications of the law regulating the procedure to be followed in civil and penal matters toward foreigners living in localities distant more than nine hours from a consular residence. This is a reply by the Porte to my note of March 9, 1891, copy of which was inclosed to the Department in my No. 241, and which was a note identique sent to the Porte by the representatives of the foreign powers. I also inclose (inclosure No. 2) copy of a memorandum pertaining to this subject, addressed to the chiefs of the various missions by the dragomans. I beg to state that I fully concur in their views as set forth in said memorandum, and here repeat the closing sentences of my dispatch No. 241:

In view of the difficulties often experienced in obtaining the recognition of foreign consuls in the interior of Turkey, this proposed measure might be properly termed an attempt on the part of the Ottoman Government to destroy the force and power of the capitulations.

I also beg to state that I inclose a copy (inclosure No. 3) of a note verbale of this legation to the ministry of foreign affairs, which is my reply to the Porte's note verbale of October 10, 1891, and which reply was a note identique sent by the representatives of the principal powers here.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 409.]

MINISTRY OF FOREIGN AFFAIRS,
Constantinople, October 10, 1891.

The ministry of foreign affairs has received the verbal note the legation of the United States of America has kindly addressed to it on the 9th of March last, No. 58, relating to the procedure to be followed in civil and penal matters with regard of foreigners who live in localities distant more than nine hours from a consular residence.

The Imperial ministry permits itself to observe that the new provisions decided upon by the Sublime Porte do not constitute any modification to the arrangements contained in the protocol of the law of the 7th Sepher, which continue to remain in full force. These provisions are intended rather to fill up certain omissions with the view of determining the procedure to be followed between natives and foreigners in certain cases not provided by the said act.

The Imperial ministry does not doubt but that the foreign missions animated in recognizing the imperative necessity which has imposed upon the Sublime Porte the obligation to put an end to a state of things just as injurious to foreigners as to its own subjects.

In fact, the progressive development of the interior commerce of the Empire, the extension of railroads, the presence in localities where there exists no consulate of a great number of foreign merchants and workmen employed in the building of those roads, and the frequency of disputes which happen between them and natives, as well as the care and maintenance of public order, rendered this ruling indispensable.

It is, then, with the thought of assuring the distribution of justice to those individuals and the local population, in conformity with the laws in force in the Empire, that the measures in question have been edicted. Nevertheless the Imperial Government will be ready to hear the objections of the foreign missions, if there are any, and these new provisions of ruling, and to take in consideration the propositions which would seem to them better appropriate to the end in view or the amendments which they would wish to see introduced.

[Inclosure 2 in No. 409.]

Memorandum.

With its note dated * * the Ottoman ministry of foreign affairs, dwelling upon a decision of the ministry of justice, requested that * * *.

The wish expressed by the ministry of justice does not seem admissible, and the reasons on which it rests are not well founded.

In all times, foreigners have always been attended in judicial matters by their consular authorities. This tutelary and indispensable rule has always been applied in an absolute manner.

In 1866 only, when the Porte granted to foreigners the right to hold real estate, the protocol annexed to the law of the 7th Sepher introduced a slight derogation to that rule. It was a kind of concession that the powers thought well to make to the Ottoman Government. That was an error to be regretted, inasmuch as the law of Sepher did not give any great advantages to foreigners, as it grants equal rights to the Ottomans, as well as foreigners, on all questions concerning real property.

The present request of the Ottoman Government is a new attempt on its part to diminish, little by little, the prerogatives that foreigners enjoy in Turkey.

The reasons invoked by the Sublime Porte are not serious. The actual régime does not present any charms. The rule is that foreigners have the right to be always assisted by their own authority. Moreover, the recent creation of the railroad lines, enabling the dragoman to travel more easily, would be rather a reason to restrict the limits of the concessions granted by the protocol.

The best way for the Porte to avoid what it calls difficultics, would be to reform, once for all, its tribunals, to intrust the distribution of justice to honest and learned magistrates, prevent the divers influences depriving very often even honest judges of their liberty of action. The Ottoman Government should, moreover, revise its legislation, which tends more and more to copy the laws of the Cheri, which are excellent perhaps as general rules of morals, but which contain many faults as written law.

Experience proves, nowadays, that less than ever there can be a question to withdraw, even partially, the protection given to foreigners.

Meanwhile, if the Government of the United States is disposed to grant to the Sublime Porte new concessions it might, for the most, enlarge slightly the limits of those previously consented to.

In any case, it would be necessary to establish and affirm, in an express and incontestable manner, that the future concessions as well as those previously consented to shall not constitute any renunciation of the rights acknowledged by the treaties to foreigners, and that as a matter of principle the attendance of the dragoman in judiciary matters shall be a right which the foreigner will plead every time that *circumstance* will permit its authority to exercise it.

[Inclosure 3 in No. 409.]

No. 91.] LEGATION OF THE UNITED STATES,
Constantinople, March 14, 1892.

The legation of the United States of America begs leave to acknowledge the receipt of the note verbale which the Imperial ministry of foreign affairs kindly addressed to it, dated October 10, 1891, regarding the mode of procedure to be taken toward foreigners living in places distant more than nine hours from a consular resident.

The legation of the United States of America, considering that the propositions contained in the circular of the ministry of justice, dated January 21, 1891, constitute a formal derogation of the provisions of the protocol annexed to the law of Sepher, and that they are also contrary to the constant practice followed up to this day, can not consent to there being introduced any modification to the previous agreements.

The legation of the United States of America begs, therefore, that the Imperial ministry of foreign affairs will kindly use its efforts in opposing the enforcement of the recent decisions of the ministry of justice, at the same time apprising it that this legation can not recognize as valid the judgments issued in conformity with these new decisions.

Mr. Wharton to Mr. Hirsch.

No. 300.] DEPARTMENT OF STATE,
Washington, March 25, 1892.

SIR: Your No. 399 of 2d instant, reporting your action on behalf of American schools in Turkey, has been read with approval. The Department is glad to feel that your position on the subject is both firm and wise.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Hirsch to Mr. Blaine.

No. 413.] LEGATION OF THE UNITED STATES,
Constantinople, March 26, 1892. (Received April 7.)

SIR: I have the honor to inclose herewith a letter from the Rev. H. O. Dwight, dated March 24 instant, stating that a Mr. Bartlett, an American citizen residing at Smyrna, had been denied by the Turkish authorities the right to complete the purchase of his dwelling-house property unless he signed a bond never to allow anything "like" a church or school to be erected on the land.

Inasmuch as an American has the undoubted right to purchase land in Turkey and build thereon without having illegal conditions imposed on him, I have telegraphically instructed the consul at Smyrna, through the consulate-general here, to send to this legation as soon as possible all the facts and papers bearing on the case.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 413.]

Mr. Dwight to Mr. Hirsch.

BIBLE HOUSE, *Constantinople, March 24, 1892.*

DEAR SIR: On the 5th of March Rev. L. Bartlett, an American citizen, residing in Smyrna, went to the land office to secure the transfer to himself of a house and land which he had bought, being in fact the property in which he has lived for some time. The authorities declined to allow Mr. Bartlett to buy the land unless he would sign a bond (of which the form was a printed one) to the effect that he will never allow anything "like" a church or a school to be erected on the land.

Mr. Bartlett appealed to the United States consul to secure the recognition of his right to buy land under the protocol of 1876, no such conditions being laid down in the protocol. The intervention resulted in the production by the authorities of an order from the department of the interior, dated (No. 127) September 8–20, 1891, which directed the imposition of this condition upon the purchase of land by missionaries. The authorities also claimed that the question having relation to real estate the American consul has no right to intervene, adding that in any case the imposition of this condition has been agreed to by the United States Government.

Mr. Bartlett understood Mr. Consul Emmet to say that he admitted the claim of the authorities as to his incompetence in this case. I can hardly believe the understanding to be correct, since the question is not a question of real estate in the sense referred to in the protocol, but a question of the validity of the protocol itself. The protocol binds the Turkish Government to allow Mr. Bartlett to buy land, and the Turkish Government denies the obligation, or at least substituting for the obligation a limited obligation not contemplated in the protocol.

May I ask you, unless you see objections, to request Mr. Emmet to report officially the case to you, sending a copy of the order No. — referred to. I would hope that with the details in hand, which it is impossible for me to get, you will find it reasonable to insist upon Mr. Bartlett being allowed to receive the property for which he has paid the money as well as the fees of transfer.

Very respectfully, yours,

HENRY O. DWIGHT.

Mr. Hirsch to Mr. Blaine.

No. 414.] LEGATION OF THE UNITED STATES,
Constantinople, March 28, 1892. (Received April 11.)

SIR: The arrest of Mr. Crawford at Erdek, in October last, and the correspondence with the Sublime Porte on the subject, was reported to the Department of State by Mr. MacNutt in his No. 355 of October 6 and No. 357 of November 9, 1891.

On February 23 I received a reply from the minister of foreign affairs (copy in translation, inclosure No. 1) claiming that Mr. Crawford was not imprisoned, but that he remained of his own volition at Erdek, awaiting the termination of the necessary correspondence in the matter. In refutation I inclose (inclosure No. 2) a condensed copy of Mr. Crawford's journal, written on the third day of his imprisonment for the use of his friends here, and lately sent to me, the correctness of which I do not doubt.

Reading it one must conclude that the inquiry on the part of the authorities could not possibly have been sincere, but was turned into an attempt to shield someone. I deem it a more serious offense against the United States Government than the original arrest of Mr. Crawford.

In a note addressed to-day to the minister of foreign affairs (copy inclosure No. 3) I have renewed the demand for reparation and informed his excellency that the matter had been referred to the Secretary of State for orders.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 414.—Translation.]

Säid Pacha to Mr. Hirsch.

MINISTRY OF FOREIGN AFFAIRS,
Constantinople, February 23, 1892.

Mr. MINISTER: I have had the honor to receive the two notes of the legation, dated October 21 and November 7 last, Nos. 79 and 82, relating to the claim of Mr. Crawford, an American citizen. From the investigation of this subject, made on orders transmitted by the ministry of the interior, it appears that it is not accurate that Mr. Crawford has been imprisoned.

The legation is aware that the Imperial authorities examine the books which travelers carry with them in order to ascertain whether they are covered with the imprimatur of the department of public instruction or if they are of objectionable character.

It is during this examination and the correspondence which it involved between the kaimakam and the superior authorities of the province that Mr. Crawford, on his own volition, stayed at Erdek. Now, he would be wrong to consider this stay a detention. In bringing these explanations to the knowledge of your excellency I venture to hope that you will kindly declare yourself satisfied.

Please accept, etc.,

SÄID.

[Inclosure 2 in No. 414.]

Mr. Crawford's account of his arrest at Erdek. (Condensed.)

ERDEK, *Thursday, October 8.*

Arrived at this place at noon, from a journey through the Cyzicus peninsula. K. Petros, my bookseller, and I have been giving magic-lantern exhibitions in nearly every village where we have passed the night. Commonly the exhibition has been given in schoolhouses, sometimes in private houses or in cafés. The people have seemed delighted. The pictures used have been approved by the inspector of public instruction at Broussa, who has himself used them also to give an exhibition to the Government schools of that city.

This evening while at supper a police officer came to ask for our teskeres. He made some objections to the fact that they were for Adremid and did not mention that we should pass through Erdek on the way. We replied that the police officials in Broussa had been told of our route and had said it was unnecessary to mention the places intermediate between Broussa and our destination at Adremid. The police officer then asked to see our books. We took him to the khan and showed him the Government seal on the books and tracts; we also showed him the magic lantern and slides. He called a porter and took away our books, lantern, etc., telling us to follow him to police headquarters. After waiting there about an hour we and our things were taken to the kaimakam. He asked but few questions and gave us opportunity to say but little. He had the names of the books all written down, even to the names of newspapers used for wrapping papers. He also required a statement of the number of books sold by K. Petros, whose teskere stated his business as colporteur. He remarked that we ought to have a special cuyurultu from the governor-general, to which I replied that the governor-general considered the teskere sufficient. The kaimakam then told us that we must leave our box with him and could not go on as we intended in the morning, but that he hoped to be able to release us by noon.

Friday, October 9.—Called on the kaimakam, who said a reply had not yet come to his telegram about us. He told us to come again in two hours. We went again two hours later and were informed that the kaimakam was out. The police told us that the kaimakam was proposing to ask us to stay over night and give an exhibition of the magic lantern for him and his friends, but advised us to return to our khan and wait for a communication. At 3 o'clock the chief of police called and asked us to go with him to the Government house. Supposing that the request had to do with the proposed exhibition of the magic lantern, we asked no questions and went with him. After we had been shown into a room and had been courteously invited to be seated, imagine our astonishment when the chief of police informed us that we were to be guests there until word could be obtained from Broussa as to the disposition to be made of us. No force was used, but would have been had we resisted, as we saw on attempting to leave the room and walk in the court.

Saturday, October 10.—I told the chief of police that I wished to send a telegram to my friends. He replied that it could not be permitted until the arrival of the kaimakam. At 11 o'clock the kaimakam arrived at his office and I was assured by

the police officer that our release would soon take place, and I should give myself no anxiety. So we waited patiently, not permitted to go out and continually assured that the kaimakam would receive his orders soon, etc. But no further information was given us, and it is night.

Sunday, 11th.—I asked permission to attend church, under escort of a guard, if necessary, but was told that I could not be allowed to go out. The kaimakam came to his office, but I did not ask to see him, nor did he ask for us.

Monday, October 12.—When I heard the kaimakam arrive and go up stairs to his office this forenoon, I demanded an immediate interview. He replied by causing to be read to me a telegram which was dated on Friday at Balikesir, and which ordered him to detain us until further orders from Broussa, to which place the case had been referred. He said that we must wait patiently; an answer would be sure to come from Broussa to-morrow. I refused to wait patiently any longer and demanded that a telegram should be sent at once to ask why we were detained. The kaimakam promised to send the telegram and we left him.

Tuesday, October 13.—We were released at noon to-day, having been under detention since 6 p. m. Thursday and in confinement since 3.30 p. m. on Friday, October 9. I have good grounds for believing that the kaimakam did not send the telegram yesterday, as he promised, and that the immediate cause of our release was a telegram from a native friend in Bauderma to Mr. Baldwin at Broussa. This friend heard of our case from a teamster to whom I had been able to speak on Sunday.

We are off in the morning for Balikisir and Adremid.

L. C.

[Inclosure 3 in No. 414.]

Mr. Hirsch to Säid Pacha.

LEGATION OF THE UNITED STATES,
Constantinople, March 28, 1892.

Mr. MINISTER: I have received the note of February 23, which your excellency did me the honor to address to me in answer to the two notes of this legation of October 21 and November 7, in the matter of the arrest at Erdek of the American citizen Crawford, and beg to express my regret that the information furnished to the minister of the interior, upon which he founded his report to your excellency, is entirely incorrect.

It is not a fact that Mr. Crawford remained at Erdek of his own volition, awaiting the termination of the correspondence between the caikman and the superior authorities of the province; but, on the contrary, he was requested by the chief of police to accompany him to the Government house on Friday afternoon, October 9, where, upon arriving, he was told that he must remain until orders could be received from Broussa.

On the following day, Saturday, he asked permission to send a telegram to his friends at Broussa, but was refused.

On the day after that, Sunday, his request for permission to attend church, under escort of a guard, was likewise refused, and thus he was detained at the Government house until Thursday, October 13, when he was released, after having been deprived of his liberty for four days.

This being the case, your excellency will agree with me that the information received by the minister of the interior and by him transmitted to your excellency was not correct, and that the inquiry by the provincial authorities seems to have been carried on with a view simply to shielding the offending officials and to defeat rather than to serve the ends of justice.

In view of the facts in the case, which I beg again to bring to your excellency's knowledge, I am under the necessity of renewing the demand of this legation for suitable reparation and of communicating all the papers in the case to my Government, whose orders I shall await.

Please receive, etc.,

SOLOMON HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 416.] LEGATION OF THE UNITED STATES,
Constantinople, March 29, 1892. (Received April 11.)

SIR: Referring to my No. 413 of March 26, instant, I beg to state that I have received, and herewith inclose, the report of the United

States consul at Smyrna, in the matter of the refusal of the Turkish authorities to permit Rev. Mr. Bartlett to purchase the property in which he lives.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 416.]

Mr. Emmet to Abdurhman Pacha.

CONSULATE OF THE UNITED STATES,
Smyrna, March 14, 1892.

HIGHNESS: Owing to some restrictions placed upon an American citizen lately, in reference to a proposed transfer of property, I have the honor to respectfully request a copy of No. 127 Dachilieh, 8 Tloul 1307, September 1891, which has reference to the transfer of real estate, and I am informed has been put in force by the Sublime Porte.

No notification has reached this consulate bearing upon this matter, hence my respectful demand for the information of the interested.

I have, etc.,

WM. C. EMMET.

His Highness ABDURHMAN PACHA,
Governor-General of the Vilayet of Odin, Smyrna.

[Inclosure 2 in 416.]

Mr. Bartlett to Mr. Emmet.

SMYRNA, *March 26, 1892.*

DEAR SIR: Allow me to inform you that having made arrangements for the purchase of a house from James P. McNaughton, an English subject, residing in Smyrna, the necessary documents having been prepared and the regular charges for the transfer paid, on the 3d instant I proceeded, in company with Mr. McNaughton, to the proper authorities to complete the transfer by the usual public acknowledgement (takrir), when, as the purchaser of said property, I was required, as an absolute condition of the transfer, to sign a paper declaring that upon the premises I was about to purchase I would build nothing in the form of a church or school (kilisse ya mekteb sheklindé) without a formal permit from the Government.

Of this condition I had previously no knowledge, having received no information from the consulate or any other source.

I replied that the question of building was not now before us, but only that of purchase, and received the answer that the order had reference to the purchase of real estate, as well as to building upon it. I at once declined to meet the condition required and the transfer was not completed. I asked for a copy of the pledge which I was required to sign, but it was not given.

On the 12th instant, in company with a dragoman of the consulate, I called again upon the same authorities and asked for and listened to the reading of the order, in accordance with which the pledge was required.

Said order was dated September 8, 1307 (A. D. 1891), No. 127, department of the interior.

Respectfully submitted.

LYMAN BARTLETT.

[Inclosure 3 in No. 416.]

Mr. Emmet to Mr. Albert.

No. 138.] CONSULATE OF THE UNITED STATES,
Smyrna, March 26, 1892.

SIR: In answer to your telegram received yesterday afternoon I beg to say that I forthwith made application to Mr. L. Bartlett for a statement of the facts required by you and beg to submit a copy of same herewith.

I also send you a copy of my note to the governor-general requesting that I be furnished with a copy of the order in reference to the transfer of real estate.

As yet no answer has been made to my note, and when the same was handed to Armenak Effendi, secretary of foreign relations, by my dragoman, Armenak Effendi forthwith stated that inasmuch as the order referred to real estate, consuls of foreign powers could not interfere.

When Mr. Bartlett and the dragoman returned to the consulate, on the 12th instant, after their visit to the conak, they conveyed the impression to me that it was stated in the order and so read to them that England, France, and the United States had acceded to the terms of this order before the same was transmitted from Constantinople.

If such is the case it will be found in the order on file in the office of the minister of the interior.

I am, sir, etc.,

WM. C. EMMET,
United States Consul.

Mr. Hirsch to Mr. Blaine.

No. 417.] LEGATION OF THE UNITED STATES,
Constantinople, March 31, 1892. (Received April 16.)

SIR: In consequence of the action taken by this legation against the order issued by the Sublime Porte on the subject of schools (see my No. 379, January 22), instructions have some time ago gone from the grand vizier to the governors-general of the provinces to stop its execution until further orders.

This for the present seems to assure the peaceful prosecution of the school work, and no actual interference with its progress has, of late, been brought to my knowledge; but while no further unfriendly acts may be attempted by the authorities in the near future, yet in the light of passing events I must regard this as but a temporary truce, subject to be disturbed at any time.

Our discussion with the Porte (see my No. 399, March 2) have not thus far resulted in anything definite.

The Department is informed of one of the propositions of the Turkish authorities "that no Mussulman children be admitted into the schools who have not a certificate that their religious education has been completed."

For many reasons this could not be acceded to, but a counter proposition was made (satisfactory to the missionaries) that irrespective of religion, "no children under sixteen years of age shall be admitted to the American schools without their parents' consent."

This, together with the other conditions as reported in my No. 399, while not entirely satisfactory to the minister of foreign affairs, has been reported to the grand vizier, who will refer the matter to the council of ministers, from whence, if approved, it will have to go to the Sultan for his final action. Some of the European powers have commenced to show an interest in this question. The Department is already informed that the French ambassador is moving in the matter. In the British Parliament an inquiry on this subject, on the night of March 4, elicited the reply from Mr. Lowther, the Parliamentary under secretary of foreign affairs, "that instructions had gone to the Constantinople embassy to coöperate with the American minister."

In a recent interview which Sir Clare Ford, the present British ambassador, requested, our school policy was fully explained to him and the assurance of his support given to me. I have since ascertained, however, that on some points our views do not exactly agree, particu-

lars of which I will report in a few days. I am informed that the German embassy has notified the Porte that it supports our proposition.

The minister of foreign affairs tells me that he expects to invite the Austrian and Italian ambassadors to an early discussion of the question. As at present advised, I do not believe in an early solution of the question unless measures are taken to compel it. I am credibly informed that it is not contemplated to come to an agreement with any one power unless all join who are interested. An "identical" agreement by all seems unlikely, for while, for instance, the American legation has always conceded to the Turkish authorities the right of inspection, the French ambassador, as protector of the Catholic schools in the Empire, refuses to even discuss this point.

The holy month of Ramazzan, which has just commenced, will alone give the Turkish authorities the opportunity for the desired delay, as it is next to impossible to transact any business during that month.

I have, etc.,

SOLOMON HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 420.] LEGATION OF THE UNITED STATES,
Constantinople, April 2, 1892. (Received April 16.)

SIR: Referring to my No. 413 of March 26 and 416 of March 29, in the matter of Mr. Bartlett's purchase of land in Smyrna, I now have the honor to inclose copy of note verbale to the Sublime Porte on the subject.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 420.]

Mr. Hirsch to Said Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, April 2, 1892.

The legation of the United States begs to bring to the attention of the imperial ministry of foreign affairs a report of United States consul Emmet, at Smyrna, to the effect that the American citizen Bartlett, residing in said city, presented himself on March 3 to the proper authorities to complete the transfer of some real property which he had arranged to purchase from James P. McNaughton, an English subject, also residing at Smyrna.

As a condition for the issuance of the necessary documents, the officials required of Mr. Bartlett that he give a bond or guaranty to the effect that nothing in the form of a church or school would be erected on the premises, compliance with which he refused.

The authorities, then claiming to have an order for the required guaranty or bond from the ministry of the interior, informed Mr. Bartlett that the instrument for the completion of the purchase could not be issued, in consequence of which he has been unable to complete the purchase of the said land.

Inasmuch as the protocol, which grants to foreigners the right to buy lands in Turkey, contains no clause which would justify any such requirement from an intending purchaser of land such as the Smyrna authorities endeavored to exact, it is evident that the order of the ministry of the interior has been misconstrued by the provincial officials.

The legation of the United States therefore begs the imperial ministry of foreign affairs to cause such orders to be issued as will enable my countryman to avail himself of the rights guarantied to him by solemn treaty.

Mr. Blaine to Mr. Hirsch.

No. 308.] DEPARTMENT OF STATE,
Washington, April 6, 1892.

SIR: I have to acknowledge the receipt of your No. 409 of 21st ultimo, and to approve your note of 14th ultimo, objecting to the proposed modification of the law regulating legal matters in which foreigners are concerned.

I am, etc.,

JAMES G. BLAINE.

Mr. Hirsch to Mr. Blaine.

No. 423.] LEGATION OF THE UNITED STATES,
Constantinople, April 8, 1892. (Received April 21.)

SIR: I have the honor to inclose a letter from the Rev. H. O. Dwight, relating to the continued interference with the book trade in the interior. I have frequently represented to the authorities that a book once authorized by the ministry of public instruction must not be interfered with by the provincial officials, but it seems that the latter do not respect the rights conceded by the central authorities. Even when seized books are finally returned to their owners, there has usually been so much time lost during their unjustifiable detention that in many cases they are no longer needed.

There is no justification for these actions of which Mr. Dwight complains.

The authorities in Erzeroum, who two years ago seized and still have in their possession some five hundred books, offer to surrender them with two or three pages cut out of each copy. I have refused my consent to this mutilation, as the books all have the required legal authorization.

The frequent ineffectual representations to the Sublime Porte on this subject suggested the advisability of a claim for damages, of which I gave notice in a note, a copy of which is herewith inclosed.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 with No. 423.]

Mr. Dwight to Mr. Hirsch.

BIBLE HOUSE,
Constantinople, March 29, 1892.

DEAR SIR: I desire to make known to you the restrictions put by certain officials in the interior of the Empire upon our book trade, which are of a nature to cause great loss and, in some cases, to destroy a legitimate and beneficent business.

The difficulty of which I complain is the absolute refusal of officials in the interior to recognize the authorization of the ministry of public instruction for our books, even when the books are in the original package, bearing the additional safeguard of the leaden seal of the custom-house here. This seal indicates that the box has been examined and prevents any possibility of its being opened by unauthorized parties. Yet boxes of books protected in this way are stopped en route to their destination, opened, examined as if there was ground to suspect their contents, sent long distances for further examination at other headquarters of the province, and even in some cases sent back to Constantinople as suspicious works; and all the time they bear on the title-page the statement of the number and date of the permit

for their publication and the further statement of the fact that they are published by the American mission, so that the well-known standing of the publishing house is a voucher for the declaration that the book has been duly authorized as stated.

(1) Books sent from here last September to fill orders from dealers in Bitlis and Van have been detained at Erzeroum until the beginning of this month.

(2) Boxes sent from here via Alexandretta to Marash last November were seized at Alexandretta after the censor had broken the seal of the boxes and had examined the books, and were sent by the authorities to Aleppo, the chief city of the province, and there remained at last accounts. This proceeding just doubles the cost of transportation of the books from Alexandretta to Marash.

(3) We have received from our agent at Samsown formal notification that it is useless to ship any more books via Samsown to our agencies in Marsovan, Sivas, and Cesarea, since the authorities at Samsown seize the books, remove the custom-house seal, which guaranties the correctness of the contents, and then ship the whole consignment as suspicious to the capital of the province, Trebizond, which is 150 miles or more from Samsown. There they are subjected to a conscientious examination by the censors to see if they are fit for publication, and if we choose to send an agent to Trebizond and to pay the cost of freight from Samsown to Trebizond and back we can have such of the books as the censor seems to offer him no reason for revoking the permit under which they were printed. The expense of the extra 300 miles of transportation, together with the damage and loss resulting from such and careless handling of the books while in custody, exceeds the cost of printing the books. Hence the sale of books is prohibited by these extraordinary proceedings.

I have also to call attention to the conduct of the book censor at Erzeroum in seizing our authorized books. He has in custody some five hundred volumes which he has held for two years, offering to surrender them in a mutilated condition, but declining to recognize the right of the ministry of public instruction to authorize them for publication, as it did in their present condition.

The utter needlessness of all this interference with our wares (both we and our books being well known in this country for fifty years, and everyone of our books being officially authorized for publication) leads us to beg that you will point out to the Porte that authorized books are mere merchandise, and interference with their sale by such restrictive measures are an intolerable violation of our rights under the commercial treaties.

Before concluding I would like to mention one further matter. The governor of Hadjin, of the province of Adana, on the 8th of March last detained the letters arriving by post for Mrs. Coffing, American missionary, residing in that place. He said that he had received orders to examine all private correspondence from abroad, and only desisted in this case and gave up the letters on the plea that they were not from abroad.

Rev. Mr. Meade, residing at Adana, also reports, under date of March 14 last that his letters are detained before delivery, sometimes for a day or two. Yet he has no evidence that they are opened.

Very respectfully, etc.,

H. O. DWIGHT.

[Inclosure 2 with No. 423.]

Mr. Hirsch to the Sublime Porte.

LEGATION OF THE UNITED STATES,
Constantinople, April 8, 1892.

The legation of the United States is informed of the continuation of the difficulties which the American missionaries have so long encountered in the delivery of their books to the persons in the interior to whom they are consigned. This subject has formed the basis of several written and many personal representations on the part of the United States minister to the Government of His Majesty.

The Sublime Porte is aware that the American missionaries at Constantinople are now, as they have been for many years past, the publishers of various books for which there is a demand in the various provinces of this Empire. These books are never published until after a careful examination by the Ottoman authorities of their contents. The official authorization by the ministry of public instruction is invariably printed on the title-page of every copy of the book published, thus notifying everybody of its legal character.

Before shipment into the interior these books undergo another searching examination at the hands of the custom-house authorities at this capital, who, after finding their contents in conformity with the legal requirements, seal the cases with the leaden seals and permit them to be taken to their destination.

After having thus been subjected to searching examinations both before and after printing, and having obtained the required legal sanction, and the cases being sealed with the leaden seal of the custom-house in a manner to prevent interference with the contents, these books, like any other merchandise, are entitled to transportation and delivery to the purchaser as owner without any further hindrance. But such, greatly to the regret of this legation, has in many instances not been the practice; for example:

(1) Books sent from here months ago to fill orders from Bitlis and Van have, by order of the authorities, been detained at Erzeroum until the month of March, to the great loss of the owners.

(2) Boxes containing books shipped from here in November to Marash via Alexandretta were seized at the latter place, the seals of the boxes broken, the books examined, and, instead of being forwarded to their destination, were sent by the authorities to Aleppo, where, according to latest information, they were still detained, to the great damage of their owner.

(3) I am informed that the authorities at Samsown seize boxes of books assigned to Marsovan, Sivas, and Cesarea, remove the custom-house seal, which is a guaranty of the correctness of the contents, and then send the boxes for further examination to Trebizond, the capital of the province. If the Americans there desire to recover their property, which has been without their consent transported in an opposite direction from that intended, they are required to pay for the transportation there and back again. His Majesty's Government will certainly no longer tolerate such an injustice to American citizens, whose business is virtually destroyed by such illegal proceedings.

(4) The authorities in Erzeroum have now and have had for two years in their possession about five hundred volumes of books, the property of American citizens, which, notwithstanding the auth orization of the ministry of public instruction, said authorities refuse to surrender to their owners, except in a mutilated condition, thus setting at defiance the authority of the imperial ministry.

The legation begs to call the attention of the Sublime Porte to the fact that a book printed and published in conformity with law, with the approval of the competent authority, is, like other merchandise, entitled to every protection. Such protection has, however, certainly not been granted, but, on the contrary, has been deliberately withheld by the provincial authority mentioned herein.

The legation of the United States requests that immediate steps may be taken for the correction of the evils herein complained of, and in view of the fact that its numerous complaints have met with no result, reserves to itself at the proper time to lay before the imperial ministry of foreign affairs the amount of damages legally and equitably due to these American citizens by reason of these and similar illegal proceedings.

Mr. Hirsch to Mr. Blaine.

No. 424.] LEGATION OF THE UNITED STATES,
Constantinople, April 8, 1892. (Received April 25.)

SIR: The letter of Rev. H. O. Dwight of March 29, sent to the Department as an inclosure in my No. 423 of this date, concludes with another instance of tampering with letters of American citizens, which I have reported to the Department in a previous communication. I at once renewed my former complaint to the grand vizier, who again promised to correct the evil.

I have, etc.,

SOLOMON HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 426.] LEGATION OF THE UNITED STATES,
Constantinople, April 11, 1892. (Received April 25.)

SIR: The refusal of the provincial authorities to issue a permit to Mr. Bartlett for the completion of his building at Bourdour was communicated to the Department December 17, 1891 (No. 364). Information

of the continued refusal of the authorities to issue the required permit has just been filed with the legation, in consequence of which I addressed a note to the Sublime Porte (copy inclosed—No. 1).

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 426.]

Mr. Hirsch to the Sublime Porte.

LEGATION OF THE UNITED STATES,
Constantinople, April 11, 1892.

The legation of the United States in its *note verbale* No. 84 of December, 8, 1891, had the honor of requesting the Sublime Porte to issue the necessary orders for the completion of the building which the American citizen Bartlett, by permission of the proper authorities, had erected last year at Bourdour, in the vilayet of Konia, on land purchased by him under the right guaranteed by treaty.

From information just received it appears that no further progress toward the completion of the building has been permitted, in consequence of Mr. Bartlett's refusal to comply with a demand for a guaranty to neither hold religious worship nor instruct children on the premises. The local authorities claim that their withholding of the municipal permit is in consequence of orders from Constantinople. This, in view of the former action of the Sublime Porte, the legation must believe to be a misinterpretation on the part of the provincial authorities of the orders received. In quite a similar case, in which the local authorities at Latakia refused permission to the American citizen Eusson for the erection of a house on land which he had bought in that town unless he gave a bond such as is now sought to be exacted of Mr. Bartlett by the local authorities of Bourdour, the legation had the honor of addressing the imperial ministry of foreign affairs in its *note verbale* No. 49 of December 15, 1890, and said: "The rights acquired by foreigners under the protocol extend not only to the purchase of land, but also to its enjoyment by the owner. A demand for such a bond is therefore clearly illegal and can not be enforced."

As soon as the attempt at illegal exactions on the part of the provincial officials at that time was brought to the attention of His Majesty's minister of foreign affairs, the Sublime Porte, mindful of the rights of American citizens, caused the issuance of the necessary orders for the building of the house in question without any bond or guaranty.

It is therefore not believed to be necessary to do more than apprise the imperial ministry of foreign affairs of the continued illegal refusal on the part of the local authorities at Bourdour to issue to Mr. Bartlett the necessary permit to which he is clearly entitled for the completion of his building, except to renew the request for prompt measures in that direction.

Mr. Hirsch to Mr. Blaine.

No. 427.] LEGATION OF THE UNITED STATES,
Constantinople, April 12, 1892. (Received April 25.)

SIR: The missionaries of the American Presbyterian Church have been established for many years among the Nestorians of Urumiah, in Persia. During all of that time they have had teachers and book agents among the Nestorians, across the frontier line, in the district of Garvar, in Turkey.

I have just been informed of the closing, two years ago, of six of those schools and of the arrest last month of five of the teachers.

In order to bring the matter to the attention of the Government, I have to-day addressed a note to the Sublime Porte, of which a copy is inclosed herewith.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 427.]

Mr. Hirsch to Said Pacha.

LEGATION OF THE UNITED STATES,
Constantinople, April 12, 1892.

The legation of the United States has the honor to inform the imperial ministry of foreign affairs that for more than fifty years the missionaries of the American Presbyterian Church have had teachers and book agents among the Nestorians in the district of Garvar, in the vilayet of Van-Mutessariflik-Talamerk Kamakamlick of Dizze. Two years ago six of their schools were closed by the authorities, who have resisted every attempt to have them reopened. This illegal proceeding is in plain violation of the instructions issued by the Sublime Porte, as per vizirial order of May 16, 1889, in which all questions relating to the closing of existing schools are ordered to be referred to Constantinople for decision. In February of this year the authorities of Dizze arrested five of the teachers of the American missions in that district, and have detained them under bail at Talamerk. The only charge against them is that they are in the employ of the Americans and that they are Protestants.

Neither of these charges should for a moment subject a man to the least molestation in this empire, and the legation therefore feels that all that is necessary to insure the proper remedy is to bring this excess of zeal on the part of the local authorities to the knowledge of the imperial ministry of foreign affairs, for it is not a crime in the eyes of the law to be a Protestant or an employé of the Americans. The legation therefore demands that prompt measures be taken by the Sublime Porte to release the arrested teachers, to reopen the illegally closed schools, and furthermore that orders be issued to the Vali of Van to extend the fullest protection to Americans in his province who reside or travel there.

Mr. Blaine to Mr. Hirsch.

No. 310.] DEPARTMENT OF STATE,
Washington, April 13, 1892.

SIR: I have received your No. 416 of 29th ultimo, relative to the refusal of the local authorities to permit the transfer of certain realty in Smyrna to Rev. Mr. Bartlett, owing to an order of the Imperial Government, dated September 8, 1891.

Awaiting further details, especially as to the alleged acquiescence of Great Britain, France, and this Government, in the order,

I am, etc.,

JAMES G. BLAINE.

Mr. Hirsch to Mr Blaine.

No. 431.] LEGATION OF THE UNITED STATES,
Constantinople, April 18, 1892. (Received May 2.)

SIR: In my No. 407 of March 18, 1892, I informed the Department of the seizure of American property and closing of schools at the villages of Tenderiah, etc.

I have now received from the Rev. Mr. Easson his statement of the case, copy of which I have the honor to inclose. It will be noticed that an attempt at pretended legal proceedings was made in the case of the Tenderiah property, but I doubt if the Sublime Porte even will claim them to be such legal proceedings as are by the law and the treaties contemplated.

I have not yet received any reply from the Porte to the note above-mentioned, but shall urge the matter immediately after the Barian festival.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 431.]

Mr. Easson to Mr. Hirsch.

LATAKIA, *March 3, 1892.*

I have the honor to inform you that on the 24th of February, 1892, I sent you, through Dr. Dwight, a brief statement of the seizure of the American property in the village of Tenderiah, on October 13, 1891, and the attempt to seize the American property in the village of Aldainey, on November 2, 1891.

After failing to gain redress in the vilayet at Beirut, the case was referred by his excellency the Vali to the Sublime Porte, and Consul Bissinger requested me to lay the whole case before the legation; but, not having time to do this in full by last mail, I will now try to do so.

First. The village of Tenderiah is situated about two and one-half hours or 8 miles northeast of Latakia. It is a Nuscairia village.

Second. The American mission established a school in this village in the year 1865. This school was continued without interruption until 1886, when our schools were all closed by order of the local government, and it was reopened after the agreement between our legation and the Sublime Porte, and continued open until closed by the present governor in November, 1890, and has been practically closed ever since, although our consul secured an order from the Vali for its reopening.

Third. As I wrote you through Dr. Dwight, the school was at first held in a native house rented by the mission; afterwards the people of the village gave us a house free of rent for the use of the teacher and school, and then in the year 1299, or 1883, we bought an old house in the edge of the village. The house was all in ruin, the owners, the Harbile brothers, three young men, having fled from the village for several reasons, one of which was fear of being taken into the Turkish army, as their names were not written on the Government books; hence, because they could not come to the city to give us the regular deed "Tabha." we bought the ruined house, as is usual in country places, by private sale, the owners giving us a paper written by the Moslem Aga, for whom they were farming at the time. This paper bears the name of four witnesses, two of whom were the civil chiefs or Muhtars of the village of Tenderiah. This paper is called. (No. 1 is a copy of this). We took possession and built three rooms. The property was sold to me and two of my associates. We have occupied this place for the past eight or nine years without any complaint being made either by the former owners or the Government.

Fourth. About September 1, 1891, I was informed that steps were being taken to get the former owners to bring in a complaint against us for taking their property in their absence and building upon it and asking for a restoration of their property. I did not pay any attention to this, for we felt sure that when the charge was made we could prove that we had bought the property and paid for it; also we thought the men could not dare to come to the city for the reason we have given above.

Fifth. The Governor Zea Bey opened the way for them, for he not only promised them a restoration of their property but freedom from soldier duty if they would come and make the charge.

Sixth. They came and put in their complaint as above stated and demanded restoration of their property. The mutessarif sent the charge to the court and commanded that it be granted, and as not a member of the court dared to disobey him the case passed the court and the order was given October 13 to the chief of the village to take the key from his brother, who was our teacher and had charge of the property. This was done, and on October 14 the property was given to the Harbile brothers, and they took possession of the mission buildings, and there they are still. During all this robbery we were never notified of the complaint nor asked to come and defend our rights.

Seventh. We felt that as it was the mutessarif and his court that had taken our property from us and given it to the others, an appeal to them would be of no use, and so I immediately sent a telegram to his excellency the vali of Beirut, charging the mutessarif Zea Bey with arbitrary abuse of power, and ask for an order for the immediate restoration of our property (see paper No. 2). This I did on October 15, 1891, and on the 16th I wrote his excellency a fuller statement of the case (see paper No. 3).

Our Consul Bissinger took up the case unofficially and rendered us all the assistance in his power, but he could not get the vali to send the order for the restoration of our property, but because of the pressure from the consul he sent a commissioner to Latakia to investigate the matter and report.

This commissioner came to Latakia, sent for one of the Harbile brothers, asked him a few questions, stayed a few days, and returned to Beirut. He completely ignored our side of the question. After considering this report "the administrative council" at Beirut rendered the following decision:

"As the report of the commissioner shows that there is another claimant to the property in question, the respective rights of the two claimants can only be decided in court."

By this they meant to bring your charge against the former owners in the court at Latakia and let that court decide to whom the property belongs. This we refuse to do, we say as we have been in possession of the property for nearly nine years the property must first be restored to us, as the Government had no right to take it from us without trial, and then we are ready to meet any complaint the former owners see fit to make against us, and if the case is gained by them, not in Latakia, but in the highest court of the empire, we will withdraw our claim to the property.

I hope your honor understands our position, for we feel this is the only correct and just view to take of the case.

We wish an immediate and unconditional surrender of our property.

Our second case is as follows:

It may be called an attempt to seize the American property in the village of Aldainey; this village is the Kai-ma-kamizet of Sahysum, in the district of the Mahail-bey.

The school at Aldainey was established in the year of 1868 by the American mission. The land was bought in 1870, and two rooms built for the teacher and school. It was bought and held at first in the name of one of our native teachers, Yakab Juranlini, but after the acceptance of the protocol by our Government the title was transferred to the names of the resident missionaries, a large room was added in 1875, and the deed or "tabbo" was taken out in 1293 or 1877, an upper room and stable was added in 1884 for the personal use of the missionaries.

Our overseer of schools, a licentiate, lives here, also his eldest son, who is teacher of the school.

Our building here has been the lodging place of the Kai-ma-kams, and in fact of all the officials of the district where business called them to the place, so you see the building was not put up in secret nor the school carried on in an underhand way, but by the knowledge and approval of many of the local governors; yet, on November 2, 1891, the recording scribe of the mutessarif went to Aldainey with an order from the mutessarif to put our teachers out of the house and send them away from the village, and restore or give the house and lot to the Haifa family, the original owners of the land.

This scribe finding so large a family gave them ten days to leave the place.

On November 5 a second complaint was sent by me to his excellency the vali, by telegram (see paper No. 4), I also sent a copy to Consul Bissinger. The energetic protests of our consul brought a telegram from the vali to the mutessarif stopping the execution of this order, but I understand the governor has not dropped the case, for I have been told by good authority that the mutessarif has since had two papers prepared and sent to the Kai-ma-kam of Sahyoun, demanding that one of these papers be signed and sealed by the civil chiefs of Aldainey and the other by the Haifa family, the original owners of the land purchased by him.

The substance of the first paper is as follows:

"We, the undersigned, civil chiefs of Aldainey, do testify that the Americans never bought the land upon which their buildings stand from the Haifa family, but took it by force, that their teacher is a seditious fellow, and is doing all in his power to lead our children away from the true Moslem religion," etc.

The chiefs, especially one, a young man, at first refused to sign the paper. He said it was not true, for he knew that the Americans did buy the land, for his father's name and seal were on the original papers in their possession, adding, "How can I put my seal against that of my dead father?" But, under threats, he, with the others, signed and sealed the document.

The second paper was about as follows:

"We, the owners of the land upon which the Americans have built our village, do declare that we never sold them the land, but that they came and took our land and built upon it. At that time there was no one to look after our rights, but now, seeing we have a governor who cares for us and will help us, we ask that these teachers be sent away from our village and our property restored to us," etc. (Signed) Haifa family.

This family did not wish to put their names to this paper, and said, "Suppose we say we did not sell the land, we can not claim that we put up those buildings, and perhaps the Americans will demand the price of them from us, we have nothing to pay," etc. Still, they were compelled to sign and seal this document.

Where these false papers are, and what Zea Bey intends to do with them, I do not know.

I send you this to show that these claims to our property do not come from these poor people with the promptings and, we may say, force the government here. This will also show you to what lies Zea Bey will stoop in order to get possession of our property.

As I wrote to our consul I write to you, this is not a case of a Turkish subject interfering with our rights, but the local Turkish government itself breaking the agreement made in the protocol with our Government. Our Government made an

agreement with the Turkish Government, and the Turkish Government is not living up to its part of the agreement, hence I think that although this is a case of property, yet, under the circumstances, an official interference could be made by our consul and also by our legation.

I hope you will see the importance of this case, for we feel that if immediate and full restoration is not made of the property in Jendairia, the plans for taking the property at Aldainey will be carried out, and then Bahamra, and so on to the end.

We hardly feel that restoration will be sufficient now; we think that this mutessarif Zea Bey should be punished in some way for this arbitrary abuse of power, so that we may have peace in the future. His order, sent to Nucairia chiefs of Aldainey, is full of insulting words stirring up the people against us. He has also given orders to the chiefs of Jandairia and other villages that we are not to be allowed to enter the village.

We hope you will not only be able to secure us our property rights, but our rights to go about our work unmolested.

We think at the very least you ought to require the removal of this mutessarif.

Please come to our aid.

I am, etc.,

HENRY EASON,
American Missionary, Latakia, Syria.

Mr. Hirsch to Mr. Blaine.

No. 432.] LEGATION OF THE UNITED STATES,
Constantinople, April 20, 1891. (Received May 5.)

SIR: Referring to my No. 397 of February 29, 1892, and No. 424 of April 3, 1892, in relation to detention of letters addressed to Americans in this empire, I now have the honor of reporting that instructions have gone from the Sublime Porte to all the post-office officials not to permit any detentions of letters addressed to Americans.

I have, etc.,

SOLOMON HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 434.] LEGATION OF THE UNITED STATES,
Constantinople, April 20, 1892. (Received May 5.)

SIR: I have the honor to inclose a copy of a *note verbale*, addressed to the Sublime Porte in the matter of Dr. Matheney's application for permission to finish a building erected five years ago, and to erect new rooms on the same plat of land.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 434.]

Mr. Hirsch to Said Pasha.

No. 99.] LEGATION OF THE UNITED STATES,
Constantinople, April 20, 1892.

The legation of the United States begs to inform the Sublime Porte that more than five years ago the American citizen, David Matheney, residing at Mersine, obtained permission from the local authorities to build a house on land purchased by him, and paid the required legal dues; he proceeded to erect the building and had it almost finished when the authorities stopped him from completing it; and notwithstanding his frequent applications, the last of which was made by him through

the United States consular agent, who in person delivered the petition to the mutesarif on April 8, 1891, no permission has, as yet, been granted for the completion of the said house. This same petition contained also an application for permission to erect several rooms on the same piece of land, but although more than one year has elapsed, no reply has been received from the local authorities and Mr. Matheney is in consequence unable to proceed with his work.

The legation has had the honor on several previous occasions of calling the attention of the imperial ministry of foreign affairs to the rights acquired by American citizens under the protocol of enjoying the possession of, as well as purchasing, landed property in this Empire. This right has for many years been withheld from Mr. Matheney; for, although he has paid to the authorities all the fees which legally can be required, he is not permitted to finish his building which he has erected five years ago, nor has he even received answer to his application made more than a year ago for permission to build the other rooms.

The legation therefore requests the imperial ministry of foreign affairs to give the necessary orders to the provincial authorities for permission for Mr. Matheney to finish his building, as well as to erect the other rooms for which he has made application.

Mr. Blaine to Mr. Hirsch.

No. 316.] DEPARTMENT OF STATE,
Washington, April 22, 1892.

SIR: I transmit a copy of a letter containing further representations of the interference of Turkish officials with the labors and school work of citizens of the United States in Syria.

You will continue to act in the interest of our citizens with the energy that has heretofore met the approval of the Department.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 316.]

Mr. Miller to Mr. Blaine.

126 WEST FORTY-FIFTH STREET,
New York, April 5, 1892.

SIR: We have been instructed by the board of foreign missions of the Reformed Presbyterian Church in America to call the attention of the State Department to what we regard as an illegal interference on the part of the Turkish authorities with our school work in Syria. Although our missionaries have always been careful not to provoke hostility and have complied with all the requirements of the law relating to public instruction, schools have been arbitrarily closed, teachers driven from their homes, and property confiscated. In open violation, as we believe, of treaty engagements, and certainly in violation of the interpretation that has always been put on these treaties by the Ottoman Government and that of this country, the territorial rights of our missionaries have been, and are, persistently trampled upon.

Without presuming to direct the State Department as to the steps that should be taken, we respectfully urge that such action shall be taken at once as shall put an end to this interference with our work. Owing to the illegal closing of the schools, persons in the employment of our society, though regularly drawing salaries, have been unable to render any service, and we are, therefore, forced to claim pecuniary damages for the same, in addition to the value of confiscated property. In asking redress we base our appeal on the sacredness of treaty obligations, the past attitude of the United States in this matter as recorded in the volume for 1887 on "Foreign Relations," and our own loyalty to the Supreme Ruler of Nations.

We have, etc.,

R. M. SOMMERVILLE,
WALTER T. MILLER,
Committee.

Mr. Easson to the board of foreign missions of the Reformed Presbyterian Church.

DEAR BRETHREN: You will remember that the Turkish Government issued a new school law early in 1886, and in the summer of that year began to close our schools because we had no official permits. The matter was taken up by our legation, and after a good deal of trouble an agreement was reached and a circular of instructions was issued by the minister of public instruction, a copy of which I inclose. (See p. 564.) We immediately complied with article 129, and informed the local authorities to that effect. Our text-books were approved and the programme of studies indorsed, but our teachers' certificates have never been returned, and although the fault is theirs, they blame our teachers for teaching without certificates.

Our Government, on April 20, 1887, decided that we had a right to reopen all of our old schools without asking for permits or waiting for the approval of our teachers' certificates, so we informed our teachers to quietly reopen.

When I showed the order to our local governor, he said: "You have no old schools in the mountains, for the Government does not recognize a school where you do not own the building." And so our teachers have never been able to work openly in their schools, and they never will until the legation demand and secure an order requiring the local authorities to let our old schools alone, mentioning the name of each school.

We would call attention to the following cases of interference with our work since the agreement between our legation and the Sublime Porte:

First. The school in the village of Ishtubgu, which was established in 1878, and reopened after the settlement of the school question, was closed in 1888 as follows: The judge and other members of the local government came to the village, asked to see the school, and after examining the children they sent them home and locked the schoolroom door, telling the teacher he could not teach without a permit and a certificate. Then they went to the teacher's room and examined all his books and private letters, and took the teacher and some of these to the seat of government at Bahenna. There they made him sign an agreement not to reopen the school without the permission of the local authorities.

Second. In the fall of 1888 the school at Gunaimia, in the same Kai-ma-kamati, was also closed; and in September, 1889, the teacher, who after the closing of his school was acting as the spiritual leader of the Protestants of the village, was ordered to leave the village. I made a complaint of religious persecution against the mutasserif to the English vice-consul, who secured his return to the village, but in December of the same year their place of worship was closed and they were forbidden to meet in it.

Third. In September, 1890, the schools in the villages of Jendairia, Mushairefey, Sit Markhu, and Ain Lebu were closed by orders given to the chiefs of the villages. These schools were established as follows: Jendairia in 1865, Mushairefey in 1865, Sit Markhu in 1870, and Ain Lebu in 1876.

In February, 1891, I secured an order through our consul from the vali of Beirut for the reopening of all of these schools, mentioning them all by name, and also repeating the order for the opening of the school in the village of Ishtubgu. No attention was paid by the mutasserif to this order except by sending word to Beirut that he had not closed any American schools. In October, 1891, he sent for the teachers of these four schools and forbade them to teach for us or to do any kind of work for the "infidel foreigners."

Fourth. In August, 1890, the school at Inkzik, near the Jisse, was closed by orders from the vali at Aleppo. This school was established in 1885, before the promulgation of the new law, and hence we have a right to have it open.

Fifth. On October 13, 1891, the mission property in the village of Jendairia was restored to the former owners without the form of law. I suppose the governor wished to be able to say that we had no building there, and hence no right to a school. This property has not been restored to us yet. The case has been referred to Constantinople.

Sixth. On November 2, 1891, orders were given for the seizure of the mission property in the village of Aldainey and the banishment of the teachers from the village. Through the earnest protests of our consul the execution of this order has been stayed for a while, but I am sure the matter has not been dropped.

Seventh. In January, 1892, the teacher at Inkzik, who is a native of the village, was arrested and imprisoned and an attempt made to banish him from the village.

Eighth. In February, 1889, the local authorities refused to give us a title deed for a lot we had bought in the city. We were delayed a whole year, and had to refer the case to Constantinople before we could secure our rights.

This order of January, 1892, reopens the whole school question. In the Beirut Valaiyat only a month and a half has been given for those who have schools to secure firmans; and if it is carried out, as it appears to be the intention of the Turkish Government, all of our schools and places of worship will be closed, both in the city and in the mountains.

Ninth. We might say there has been interference with our personal liberty, for the mutasserif has given orders to the chiefs of several villages not to allow any of the missionaries to enter their villages. In this way he is exciting the people against us, and if the people were to act as required by the governor, it would not be safe for us to go out among them; but we are thankful to say the people are very friendly to us.

The above will suffice to show that it is necessary for the powers to take a firm stand and demand that the rights of their people in the prosecution of their lawful work be respected, and that explicit orders be sent to all the local authorities requiring them to not only cease obstructing our work, but that they also protect us in our work when required.

The certificates of our teachers should be immediately sanctioned and returned to us to be placed in their hands.

May the Lord of the work guide you in all you do, and we hope and pray that the time may soon come when this kingdom shall become a kingdom of our Lord and Saviour Jesus Christ.

Yours, in His name, in behalf of the mission,

HENRY EASSON.

Circular of instructions of Munif Pasha to the provincial governors.

A number of schools within the Imperial provinces having been established without permission, general instructions were issued some time ago, with the object that three months' time should be given them, and if within that time they did not comply with the requisite rule action should be taken against them in accordance with the law. Now, according to the information which reaches us, some of these schools have for some reasons been closed, but several of them have now given assurances of their readiness to conform to the terms of the law, consequently you will see fit to allow the reopening of such schools that will conform to article 129 of the law of the public instruction, the closed schools of the Jesuits to be excepted until further instructions.

Mr. Blaine to Mr. Hirsch.

No. 319.] DEPARTMENT OF STATE,
Washington, April 25, 1892.

SIR: I have to acknowledge receipt of your No. 423 of 8th instant, and the statement which you inclose relative to the continued tampering of the interior officials of Turkey with the consignments of American books which have been stamped and sealed with the approval of the Imperial Government. The Department must express its surprise that after your frequently repeated protests these subordinates of the provinces are still permitted to set at defiance the acts of the central Government.

Your note of April the 8th last intimates to the Porte that damages will be required.

Approving your note, I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Hirsch.

No. 321.] DEPARTMENT OF STATE,
Washington, April 28, 1892.

SIR: The Department fully approves the terms of your note of the 12th instant, a copy of which accompanies your No. 427 of that date, whereby you call for the protection of certain citizens of the United States, engaged as teachers in the district of Gavour, who have been molested by the authorities there.

I am, etc.,

JAMES G. BLAINE.

Mr. Hirsch to Mr. Blaine.

No. 438.] LEGATION OF THE UNITED STATES,
Constantinople, April 30, 1892. (Received May 23.)

SIR: The Stamford Manufacturing Company, after many unsuccessful efforts to obtain permission for the enlargement of their warehouses at Alexandretta, telegraphed to the legation on March 6, asking for its intervention, which was so far successful as to justify our telegram to the company on March 24, notifying them that orders for the necessary permits had been issued, upon which they proceeded to the erection of the much-needed building.

I am now in receipt of a letter from Mr. Walker, the superintendent, dated April 14, informing me that most unusual and unjustifiable requirements are sought to be exacted from him by the local officials at Alexandretta as a condition for the delivery of the official building permits.

I have to-day addressed a note to the Sublime Porte protesting against this and other similar violations of treaty rights, and have the honor to inclose a copy herewith, as well as copies of the various papers on the subject on file here.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 438.]

The Stamford Manufacturing Company to Mr. Hirsch.

[Telegram.]

ALEXANDRETTA, SYRIA, *March 6, 1892.*

I have been trying last six months to obtain permit of construction for extending buildings here upon our land, of which title deeds are regular. Local authorities refuse to grant it, pretexting obstruction light-house and land be cultivable, also say having received such orders from minister of marine. Both pretexts are false. I submitted to all required formalities, regulations, and law of the country. I applied to vali, to our consulate Aleppo, and lately to consul Beirut, who advised submit matter to legation. The vali wrote to minister of interior 27th February: I solicit urgently your assistance, begging to obtain order for said permit to be given by wire, all material being ready in the open, and buildings most needed.

STAMFORD.

[Inclosure 2 in No. 438.]

Mr. Walker to Mr. Hirsch.

ALEXANDRETTA, SYRIA, *March 7, 1892.*

SIR: I have the honor to confirm my telegram of the 6th of the present month, worded as follows:

"I have been trying last six months to obtain permit of construction for extending buildings here upon our land, of which title deeds are regular. Local authorities refuse to grant it, pretexting obstruction light-house and land being cultivable; also say having received such orders from minister of marine. Both pretexts are false. I submitted to all required formalities, regulations, and law of the country. I applied to vali, to our consulate Aleppo, and lately to consul Beirut, who advised submit matter to legation. The vali wrote to minister of interior 27th February: I solicit urgently your assistance, begging to obtain order for said permit to be given by wire, all material being ready in the open, and buildings most needed."

I have followed this matter up and suffered all the consequences of its delays for the purpose of not creating trouble to your legation, but seeing at present there are no possible means for obtaining what is just, viz, the permission to build on our own

land, and seeing also our position very critical for the want of the projected buildings, I am forced to appeal for your protection in the interests of our company.

For more explanation on the subject I beg to inclose herein:

No. 1. My original petition to the authorities, with their observations upon it.

No. 2. A small sketch showing the position of the projected buildings approved by the municipality. (Spaces comprised in red dotted lines show them.)

No. 3. My first letter to the American consulate at Aleppo.

No. 4. My last letter to the American consulate at Aleppo.

No. 5. Two copies of telegrams exchanged between the agent of light-house here and their administration of Constantinople.

Allow me to ascertain you, sir, that the two pretexts chosen for the refusal of the required permit are not justified in any possible way. As you will observe in the sketch the projected position for building the house is much behind the present building; as you will also notice that our first project near the light-house was abandoned by us only in order to please the authorities, for in reality they had no right to prevent even that building, whose heights was not to have reached the lower lamps of the light-house by 9 feet.

I remain, etc,,

DANIEL WALKER.
The Representative of the Stamford Manufacturing Company.

[Inclosure 3 in No. 438.]

The Stamford Manufacturing Company to Mr. Hirsch.

[Telegram.]

ALEXANDRETTA, SYRIA, *March 23, 1892.*

Confirm telegram 6th, letter 11th. Case very urgent.

STAMFORD.

[Inclosure 4 in No. 438.]

Mr. Walker to Mr. Hirsch.

ALEXANDRETTA, *March 24, 1892.*

SIR: We beg to confirm our telegram of yesterday as follows:

"Confirm telegram 6th, letter 11th, case very urgent."

We received since your honored letter of the 9th instant and we can only express our thanks for the attention which you were good enough to give to our case.

Allow us once more to remind you, sir, that our position is very critical, having $250,000 worth of licorice root to handle during the next four months, the obtainment of the permit for building is needed by us most urgently.

We remain, etc.,

DANIEL WALKER,
The Representative of the Stamford Manufacturing Company.

[Inclosure 5 in No. 438.]

Mr. Hirsch to Mr. Walker.

LEGATION OF THE UNITED STATES,
Constantinople, March 25, 1892.

DEAR SIR: I beg to acknowledge the receipt of your telegram of 6th instant, in which you stated that the authorities were throwing obstacles in the way of your obtaining permission to build your extension as desired. I immediately called at the Sublime Porte in order to ascertain whether the letter of the vali to the minister of the interior had been received, and found that it had not.

In due course of mail I received your letter of March 11 with the various inclosures mentioned. In the meantime the letter from the vali to the minister of the

interior had come and the proper representations have been made by this legation at the Sublime Porte.

I am now informed that instructions have gone from the minister of the interior to the vali which will cause the necessary permit to be issued to you. I herewnto return the various papers in the matter which you sent me and which, I suppose, you wish to keep in your files.

I am, etc.,

SOLOMON HIRSCH.

[Inclosure 6 in No. 438.]

Mr. Hirsch to Stamford Manufacturing Company.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, March 24, 1892.

Permit issued.

HIRSCH.

[Inclosure 7 in No. 438.]

The Stamford Manufacturing Company to Mr. Hirsch.

Resumed work a week ago. Please accept our sincerest thanks.

STAMFORD.

[Inclosure 8 in No. 438.]

Mr. Walker to Mr. Hirsch.

ALEXANDRETTA, *April 14, 1892.*

SIR: Confirming my letter of the 8th instant, I regret to have to trouble your legation again on the subject of the same question concerning the extension of our company's buildings.

On the reception of your telegram "Permit issued" I commenced the works, which are still going on. I was advised also by Mr. Poche, our consul at Aleppo, that the vali received orders from Constantinople to grant the required permit, and two days later our Caimacan sent me word by his son that such orders were received by him and consequently I can begin building. Six days ago I was asked by the municipality to send to their offices for the official document of the permit, which they refuse to deliver without my giving them a signed declaration that the building will never be turned into a church or a school. I offered myself to submit to that rule, but they persist in wanting an Ottoman subject established and residing in Alexandretta to guarantee me in a counter declaration signed by him in which he would be responsible and bound to destroy the building in the case (at any time) it should be turned into a church or a school. Finding myself in the impossibility to produce such a guarantee, I asked the municipality to allow me an interval of time in which they would not interfere with our building, in order to communicate with our legation. As a great favor, they have allowed me twenty days interval, after which they have the intention to stop us from building in the case I do not produce the above said guarantee of the Ottoman subject. In this state of things, I beg to ask you, sir, your valuable advice as to what I am to do in this circumstance, for on the 5th of May next the authorities will stop us again.

I am, etc.,

DANIEL WALKER,
The representative of the Stamford Manufacturing Company.

[Inclosure 9 in No. 438.]

Mr. Hirsch to Said Pacha.

LEGATION OF THE UNITED STATES,
Constantinople, April 29, 1892.

The legation of the United States regrets the necessity of having to renew its complaints to the Sublime Porte in the matter of attempted illegal exactions by the provincial authorities who continue to insist on unjustifiable guarantees every time an American citizen applies for permission to erect a building on his own land under the rights acquired by the protocol of the 7th of Sepher. An instance of such illegal exaction even after the building *teskere* had been issued has just been reported to the legation.

Mr. Walker, the agent of the Stamford Manufacturing Company, at Alexandretta, under the necessity of enlarging his warehouses there, applied to the provincial authorities for the necessary building permit, which, notwithstanding his continued efforts for many months and the regularity of his proceedings, he failed to obtain. Through the intervention of this legation with the Sublime Porte, his excellency the minister of the interior instructed the vali of Aleppo to issue the necessary orders for Mr. Walker to proceed with his building; but the local authorities at Alexandretta demand as a condition for the delivery of the official papers to Mr. Walker that he give a bond that the building be never turned into a school or church, and that the bondsman, who must be an Ottoman subject, shall engage to destroy the building if it be ever used for such a purpose.

Mr. Walker, who, as soon as he received notice from this legation that the Sublime Porte had ordered the building permit to be issued to him, had commenced operations, is now informed that unless he procure and give the above-mentioned guarantee, he would be stopped from continuing.

The recent similar complaints of this legation seem to have met with no result. If these illegal exactions on the part of the authorities are to continue without prompt corrections from the Sublime Porte, the rights guaranteed to American citizens by the protocol must be considered as having in effect been annulled. This legation is not willing to believe that His Imperial Majesty's Government intends to annul or even curtail any rights so guaranteed to citizens of the United States, notwithstanding, however, it finds itself, owing to the continued repetition of the offense, under the imperative necessity of protesting against such unwarranted measures and to formally give notice that the Ottoman Government will be held responsible for all damages, direct or indirect, legal or equitable, caused by such illegal acts.

Mr. Hirsch to Mr. Blaine.

No. 440.] LEGATION OF THE UNITED STATES,
Constantinople, May 5, 1892. (Received May 19.)

SIR: I submit for the consideration of the Department copy of correspondence between Dr. Herrick of Anatolia College at Marsovan, and this legation, on the status of native teachers in an American institution.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1 in No. 440.]

Mr. Herrick to Mr. Hirsch.

ANATOLIA COLLEGE,
Marsovan, April 18, 1892.

MY DEAR SIR: It will certainly not be deemed superfluous for me to express to you directly for myself and for my colleagues our sense of our obligation to your excellency for the zeal, the high intelligence, and the success with which you have

maintained the right of the schools and colleges established and conducted by American citizens within the Ottoman Empire to the protection of the Ottoman Government and to the immunity from all molestation. It was my privilege in November, 1890, in a personal interview to assure you of the unqualified loyalty to treaty and rites of hospitality, of the institution over which, for the moment, I am called to preside, and of all my colleagues at Marsovan.

I have ever fully believed that our own legation and the home Government would sustain us in a position so clearly unassailable on the basis of international law, of comity, of humanity, of treaty, of philanthropy.

I was not therefore greatly alarmed at the outlook last January. I knew that while we were trying to do our duty you would be doing your devoir there, and I know God is over all. In the success you have reached, even beyond our hopes, I rejoice greatly and thank you heartily.

Now, I have to come to you with a question of great importance, which might at any time affect us vitally. Our staff of instruction in the college consists in large majority of natives, Armenians, and Greeks. Could we, by false charges brought by inimical persons, be stripped of our teachers, it would cripple, it might destroy the usefulness of the college.

In giving to Anatolia College the powerful protection of the United States legation and of the United States Government, just how much does this mean, in the case of native members of our staff of instruction? Of course I know something it does not mean. It does not mean that these subjects of the Ottoman Government enjoy, like ourselves, the rights of extraterritoriality. It does not mean that one of these gentlemen can not be arrested and brought before an Ottoman tribunal. I hope it does mean that, as one of the officers of the Armenian college one of these gentlemen could not be proceeded against, in any way, without due notice to the head of the college, and an opportunity to present the case with specific charges, to your knowledge. Will the Government accept our assurance concerning the loyalty of our men and guard us against injustice and injury in their persons? Would a personal declaration be signed from every such teacher, sent you through me, with my indorsement.

This is an eminently practical question. There is a young Armenian, a native of this city, who has spent five years of study at Williamstown, Mass., in express preparation for a professorship in our college, who stands ready to enter upon his duties in the autumn of 1893. He is now here, but he is so much disturbed by things he hears—*e. g.*, the edict forbidding Armenians to go from province to province—that he tells me formally that, if we can not secure him freedom from molestation in his work in the college he shall not return to reside in this country. He is willing to give any pledges required in reference to loyalty to the Government, utterly discountenancing any movement unfriendly to the Government among those of his race. In my judgment it is clearly in the interest of the Turkish Government to facilitate the work of such a man in an institution like ours. To bind educated Armenians to the Ottoman rule, not to alienate them, is the true policy; to invite them to, not to drive them from, the country is high diplomacy. Am I not right in this? Could you furnish me with an early reply to this communication, I should be greatly obliged. I shall hope for the honor of a personal interview at Constantinople before the summer is past.

I remain, etc.,

GEO. F. HERRICK.

[Inclosure 2 in No. 440.]

Mr. Hirsch to Mr. Herrick.

LEGATION OF THE UNITED STATES,
Constantinople, May 4, 1892.

MY DEAR SIR: I am in receipt of your letter of 18th ultimo, and in reply thank you and your colleagues for the sentiments expressed. It is always encouraging to know that one's labors have not been in vain; but in so far as I have been able to serve the American educational institutions in Turkey I have but done my simple duty, and the credit for anything accomplished (if to any one) is due to the home Government, whose instructions I have endeavored to faithfully execute.

I do not any longer anticipate any serious disturbance in the amicable relations so long existing between the Turkish authorities and the American schools, and sincerely hope your long career of usefulness will continue without interruption.

Your inquiry in relation to your native teachers is one which would naturally suggest itself to one intrusted with such vast interests. In order to be able to give

you an authoritative answer, I shall lose no time in asking the opinion of the State Department.

For the present, however, I see no reason why the treatment of these teachers on the part of their Government should be less friendly or just than heretofore. The guarantee required by this young man of whom you make mention is one which I do not believe the Department would authorize; anything in the nature of a passport (and such a guarantee would seem to partake of that nature) can only be issued to an actual American citizen. However, the question in its entirety as submitted in your letter, will at once be submitted to the Department of State.

With best wishes for yourself personally, as well as for your institution,

I remain, etc.,

SOLOMON HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 441.] LEGATION OF THE UNITED STATES,
Constantinople, May 6, 1892. (Received May 19.)

SIR: Referring to my No. 438 of April 30, in the case of the Stamford Manufacturing Company, I have the honor to report an interview with his excellency the minister of foreign affairs on Tuesday, May 3 (first business day since Bairam), in which I observed to his excellency that the refusal to grant a building permit to Mr. Walker, under the circumstances, would be regarded by the United States Government a virtual annulment of the rights guaranteed by the treaty on real property, and furthermore that I would not consent to Mr. Walker giving the required bond. The minister promised to communicate with His Highness the Grand Vizier on this subject, I called the same day on His Highness the Grand Vizier on this subject, which was not new to him, as I had spoken to him about it soon after the receipt of the telegram of March 6. He promised to send the necessary telegraphic orders to the vali of Aleppo to remove the obstacles in Mr. Walker's way, and remarked that the difficulty arose from too much zeal on the part of the local officials. In consequence of this I telegraphed to the Stamford Manufacturing Company on May 4 as follows:

Continue building; give no bond; necessary orders from Government will be forwarded.

HIRSCH, *Minister.*

This morning I received from the Stamford Company a telegram, of which the following is a copy:

American Legation, Constantinople:

Confirm letter 14th April; authorities sent soldiers yesterday, who trespassed our premises with intention imprisoning workmen; work stopped; urgently beg your help.

STAMFORD.

This being Friday no business can be transacted at the Porte. I therefore called at the private residence of his excellency Said Pacha, minister of foreign affairs, and, after showing him the telegram, recalled to his mind my observations of May 3, that the actions of the local authorities were tantamount to an abrogation of treaty rights and that the occurrence at Alexandretta where soldiers yesterday trespassed on American property and stopped building operations perfectly legal in themselves and justified as well as authorized, could be regarded in no other light, and that I would have to insist on immediate reparation by the issuance of orders, not to the governor-general of Aleppo, but direct to the governor of Alexandretta, requiring the latter to cause the building

operations to be recommenced at once and to make suitable apology for the wrong committed by him. I furthermore frankly stated to his excellency that in case the Sublime Porte is unable to have the treaty rights of Americans respected by the provincial authorities, the United States would take prompt measures for the protection of its citizens. His excellency took pains to explain that this and similar cases arose from the unsettled state of the school question, and furthermore that if the discussion still progressing between the Sublime Porte and foreign powers on that question were once brought to a close, no further difficulties of this kind would be experienced. I stated, however, that I could not consent to any delay and insisted on immediate action independent of any other question, when his excellency promised to have the necessary orders issued tomorrow. I have telegraphed to Alexandretta as follows:

Your telegram has our best attention; hope for speedy satisfaction.

HIRSCH.

I have, etc.,

SOLOMON HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 443.] LEGATION OF THE UNITED STATES,
Constantinople, May 7, 1892. (Received May 19.)

SIR: This morning I received a telegram from the Stamford Manufacturing Company at Alexandretta, reading as follows:

MAY 7.

American Legation, Constantinople:

Five soldiers were sent to-day by Caimacam with orders to walk our masons to prison. We have shut them up and refused their delivery. Anxiously awaiting orders,

STAMFORD.

It being too early for his excellency, the minister of foreign affairs, to be at the Sublime Porte, I called at his residence, communicated the telegram, and renewed my demand of yesterday that immediate steps be taken for the renewal of the building operations which had been forcibly interrupted; and furthermore, inasmuch as the caimacam of Alexandretta seems an unsafe man to be clothed with authority in a place where large American interests are in question, I asked that he be removed from there. His excellency remarked that there might be explanations for the proceedings of the caimacam, to which I replied that no valid explanations could be made for trespass by soldiers and for violation of American domicile.

His excellency promised early action, which I demanded must be had to day.

I have just telegraphed to Alexandretta as follows:

Stamford Manufacturing Company, Alexandretta:

Permit no trespass. Keep legation informed.

HIRSCH,
Minister.

I have, etc.,

SOLOMON HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 448.] LEGATION OF THE UNITED STATES,
Constantinople, May 13, 1892. (Received May 31.)

SIR: I have the honor to report receipt of instructions 321 of April 28, and fear that I may not have made myself as clearly understood as I wished in my No. 427, in relation to the closing of the schools and the imprisonment of five teachers in the Garvar district.

These teachers are not American citizens but are natives, and, as stated in my note 98 of that date, "in the employ of the Americans."

I have, etc.,

SOLOMON HIRSCH.

Mr. Blaine to Mr. Hirsch.

No. 327.] DEPARTMENT OF STATE,
Washington, May 13, 1892.

SIR: I inclose for your information a copy of a letter from Mr. David Metheny, of Mersine, Turkey, commending your intervention with the Ottoman Government, to protect American educational establishments in Turkey from the application of the adverse order of January 6, 1892.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 327.]

Mr. Metheny to the President.

SMYRNA, TURKEY, *April 28, 1892.*

DEAR SIR: Recently the fanatical and reactionary element of Turkey came into power. Their spirit was soon manifest by sending forth a "General Order, January 6, 1892," ordering the closing of churches, schools, colleges, and seminaries which have no special permit from the Sultan.

The Hon. Oscar Strauss, our former minister to the Porte, by his adroit and wise management, had secured a vizierial order attesting that the establishments of American missionaries were on a legal basis. Henceforth, by this order, schools conforming to article 129 of the school code were not to be interfered with. On the strength, first, of this order, and, second, the school law, and, third, the treaty of Hatti Humayun guaranteeing religious liberty, and many other specific rights, our minister, the Hon. Solomon Hirsch, took a noble stand, remonstrating against the application of the order of January 6, 1892, to the establishments of United States citizens. He was soon joined by the British, and then the French ministers. The Austrian, German, and Italian embassies, too, have of their own accord expressed their hearty approval of Mr. Hirsch's wise course. He succeeded in having the order countermanded. He now urges the abrogation of the new law entirely, and is supported in this by his minister associates.

He urges the great principle that the establishments conforming to article 129 of the old code may not be disturbed. He remonstrates against restricting Moslem children from the benefits and advantages of our schools, as these can not be obtained outside our establishments. A large proportion of the North Syrian peoples are claimed as Mohammedans, while it is well known they are not Mohammedans at all. Extensive missionary work has been carried on among this people for over thirty years, and they are desirous to attend our schools. Thousands of them have gotten their education there.

The United States citizens are highly pleased with the Hon. Mr. Hirsch and the noble stand he has taken. Our United States citizens are convinced that he will succeed in maintaining their rights if he continue to enjoy the hearty support of our home Government. This will be "following the things that make for peace." Momentous issues hang upon the settlement of this question agreeably to the will of God.

Respectfully,

DAVID METHENY,
Mersine, Asia Minor, Turkey.

Mr. Hirsch to Mr. Blaine.

No. 449.] LEGATION OF THE UNITED STATES,
Constantinople, May 14, 1892. (Received May 28.)

SIR: The efforts on the part of this legation to arrive at a solution of the school question by a definite and satisfactory arrangement with the Sublime Porte have thus far yielded but little. The latter claims a strong desire for an early adjustment, but seems unwilling "to adjust" except we relinquish privileges which the American schools here have enjoyed many years. Both the French and English embassies meet with the same inadmissible propositions in their discussions with the Porte; the nature of the disagreements seems to leave little hope of an early settlement.

While we have yielded the point of Turkish inspection of our schools the French ambassador informed me two days ago that he can not even consent to it.

While neither the British ambassador nor myself feel able to consent to the exclusion of Mussulman children, the French ambassador yields that point to the Turks.

While we hold that application for permission is not required under existing laws, the British ambassador is willing to make application coupled with certain conditions, and so there seem a great many differences difficult to reconcile without making concessions on all sides, which, in this country, as the Department is aware, requires much time. In the meantime the order of January last still exists, and, although suspended, is, as I stated in my No. 417 of March 31, 1892, liable to be put in force at any time.

The British ambassador, at the time of its suspension, reported to Lord Salisbury that it meant abandonment, and likened it to an affirmative vote in Parliament on the proposition "to read the bill this day nine months."

I regret that he has had occasion within the past few days to change his opinion; the order has again made its appearance.

M. Cambon, the French ambassador, kindly furnished me with a copy of a communication (inclosure No. 1) from the governor of Palestine to the French consul-general at Jerusalem, to the effect that schools and churches which exist without authorization will be finally and irrevocably closed unless they procure the necessary permit within three months from April 26, 1892.

An order (inclosure No. 2) has been issued by the mutessarif of Urfa, in the vilayet of Aleppo, dated February 29 (old style), March 12 (new style), to the chiefs of the religious communities, giving them nine months within which permission must be obtained, and thus the time is changed in accordance with circumstances in various localities.

I notified the Porte last week that I was unwilling to continue the discussions and negotiations on the school question until the above order is withdrawn.

I assured them, however, that while my propositions heretofore made or consented to by me would now be considered as never having existed, yet in case the January order be withdrawn they would find me ready to discuss the question in as liberal a spirit as heretofore.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure 1, with No. 449.]

The governor of Palestine to the consul-general of France at Jerusalem.

APRIL 26, 1892.

Mr. CONSUL-GENERAL: The direction of public instruction has just informed me that, in accordance with orders lately received from the ministry of the interior, it is requested to make known to the principals of schools and churches which may have been opened without official authorization that they must furnish themselves with this authorization within three months, and that if they do not fulfill this formality within the indicated period their establishments will be finally and irrevocably closed. As the direction in question will be obliged to execute the orders received, it begs me to bring these preceding provisions to the knowledge of the respective consulates.

I have, therefore, the honor to beg you, Mr. Consul-General, to kindly take the necessary steps, and accept, etc.

The governor of Palestine,

IBRAHIM HAKKE.

[Inclosure 2, with No. 449.]

The mutessarif of Urfa to the head of communities there.

HONORABLE GENTLEMEN: The additional general instructions to the note of the ministry of the interior, No. 374, dated February 4, 1307, by which it is recommended, in brief, that schools and churches which have opened without official permit shall be closed if they do not procure the permit within the period of time to be specified in accordance with the locations of the place (where those establishments are to be found), and that notice should be given to the parties interested, have been submitted to the administrative council of the vilayet, which has decided that it should be known to you that, with regard to the schools and churches which have been established by your community without permission, a period of nine months is granted for obtaining the official permit; and if the permit is not obtained within that period it will be proceeded against in conformity with article 129 of the law of public instruction, as well as in compliance with the above-mentioned instruction.

12 Chaban, 29 February, 1307 (old style).

THE GOVERNOR.

Mr. Hirsch to Mr. Blaine.

No. 451.] LEGATION OF THE UNITED STATES,
Constantinople, May 19, 1892. (Received June 2.)

SIR: I am in receipt to-day of the following telegram from the Stamford Manufacturing Company at Alexandretta:

MAY 19, 1892.

American Legation, Constinople:

To-day regular permit was given. Sincere thanks.

STAMFORD.

I have as yet received but one letter from the company in addition to the telegraphic information which I communicated to the Department in my Nos. 441 and 443, but suppose further detailed information will arrive by mail, when copies will be promptly forwarded to the Department.

The company is now enabled to proceed with their building operations without further hindrance.

I have, etc.,

SOLOMON HIRSCH.

Mr. Blaine to Mr. Hirsch.

No. 328.] DEPARTMENT OF STATE,
Washington, May 23, 1892.

SIR: I transmit for your information a copy of a letter, commending your services to certain representatives in Turkey, of the Board of Foreign Missions of the Presbyterian Church in the United States.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 328.]

Mr. Ellinwood to Mr. Blaine.

THE BOARD OF FOREIGN MISSIONS OF THE PRESBYTERIAN CHURCH
IN THE UNITED STATES OF AMERICA,
New York, May 18, 1892.

SIR: It gives me pleasure, as secretary of the Board of Foreign Missions of the Presbyterian Church in the United States of America, to transmit to the State Department the following action relating to the service of Hon. Solomon Hirsch, United States minister to Constantinople:

"Letters from Rev. D. Stuart Dodge of May 6 and Rev. Henry O. Dwight, of Constantinople, April 20, having been presented, calling special attention to the valuable services rendered to the cause of missions in the Turkish Empire by Hon. Solomon Hirsch, United States minister at Constantinople, it was—

"*Resolved*, That in view of the large interests of its work in Syria the board expresses its high appreciation of the promptness, sagacity, and perseverance with which Mr. Hirsch has maintained the rights of American missionaries against the restrictive measures of the Sublime Porte, relating especially to mission schools. The intricate and somewhat enigmatical procedure of the Turkish Government has demanded vigilance and unflinching firmness, coupled with courtesy and diplomatic skill, and these demands have been met in an eminent degree by our United States minister, and the board is happy to express its appreciation of this valuable service rendered to the missionaries placed under its protection as citizens of the United States.

"*Resolved*, That a copy of this action be forwarded to the Department of State at Washington."

Respectfully,

F. F. ELLINWOOD,
Secretary.

Mr. Wharton to Mr. Hirsch.

No. 330.] DEPARTMENT OF STATE,
Washington, May 24, 1892.

SIR: Your No. 438, of April 30; your No. 441, of 6th instant, and your No. 443, of the 7th, relating to the obstacles thrown in the way of the Stamford Manufacturing Company at Alexandretta by the local authorities, are received.

Your representations against this unwarrantable interference with the rights of American citizens to build on their own lands are approved. The condition laid down by the authorities, that the company must bind itself to the destruction of its building by an Ottoman third party called a bondsman, in the event it is ever used for school or church purposes, is inadmissible. The demand should be resisted firmly and positively.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Wharton to Mr. Hirsch.

No. 332.] DEPARTMENT OF STATE,
Washington, May 25, 1892.

SIR: I have received your No. 440, of the 5th instant, communicating copy of your correspondence with Dr. Herrick, of Anatolia College, at Marsovan, touching the status of the native teachers in an American institution.

Dr. Herrick, while recognizing that natives employed as teachers in the institutions under American direction may not be protected on a parity with our citizens, neither enjoy the benefits of extra territoriality, suggests that "one of these gentlemen could not be proceeded against in any way without due notice to the head of the college and an opportunity to present the case, with specific charges, to" the notice of the United States legation. To the end of securing protection for such native teachers, Dr. Herrick inquires: "Will the Government accept our assurance concerning the loyalty of our men and guard us against injustice and injury in their persons?" He describes the case of a certain young Armenian, educated in the United States, at Williamstown, Mass., who is "willing to give any pledges required in reference to loyalty to the Government, utterly discountenancing any movement unfriendly to the Government among those of his race."

Your reply to Dr. Herrick anticipates in great measure the response of this Department. A passport is the usual, and indeed the only means of officially certifying the right of the holder to the protection of the government issuing it, but such a paper can only be granted to a citizen of the United States. There is no way known by which this Government could intervene as sponsor for the loyalty of an Ottoman subject to his own Government; nor could it appeal to the Ottoman Government to accept as conclusive the personal assurances of an individual Turkish subject as to his loyalty. As an individual owing allegiance to the Ottoman authority, the representatives of the United States could not interpose to screen him from any charge of violation of law duly preferred against him. So much for the individual status of an employé of an American college.

But in the light of the undoubted right of any legitimate American enterprise in Turkey to prosecute its work by the usual and lawful channels of native service, any action by the Turkish authorities aiming to disturb or stop the operations of the institution by harassing its employés, might very properly give rise to remonstrance. The ordinary and necessary respect for the conduct of any foreign interest, under the capitulations, should be sufficient to protect an American college, which is a legitimate American interest, from being assailed in the person of its servants.

I observe with pleasure that you answer Dr. Herrick that you "see no reason why the treatment of those teachers on the part of their Government should be less friendly or just than heretofore."

There should certainly be no ground for anxious apprehension in this regard if all the American educational institutions in Turkey share in the determination of Anatolia College and its respected president that the American rights of teaching shall not be misused to shelter any movement unfriendly to the Ottoman Government.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Hirsch to Mr. Blaine.

No. 456.] LEGATION OF THE UNITED STATES,
Constantinople, May 28, 1892. (Received June 13.)

SIR: I have the honor to inclose herewith a copy, in translation, of a circular to the provincial authorities issued by the Sublime Porte, which, while it does not in terms withdraw the "school order" of January, yet does so virtually.

While the question is not closed (and none are ever closed here), the incident may be considered as closed.

Since my recent dispatch on the school question, numerous notices from the interior governors to the American schools reached the legation from all directions, threatening to irrevocably close those schools which before the expiration of a stated time shall have failed to comply with the requirements of the January order.

In every instance I advised that beyond loyal observance of article 129 of the school law, nothing could be required of or should be conceded by the American schools.

During an interview with the grand vizier on other matters, immediately after the receipt of some of the above notices, his highness broached the subject and expressed the hope that some satisfactory adjustment of the question might be soon arrived at. On reiterating my disinclination to further discuss it until the obnoxious January order be withdrawn, he assured me that a circular to prevent execution of that order by provincial authorities, without express instructions from the central government, was then being prepared. The inclosed copy of it has since been handed to me.

I apprehend now no further danger to the existing American schools or places of worship in the Empire. Local authorities are prohibited from any interference, and the Sublime Porte will not likely soon again issue orders which will give them the power to do so. I thank the Department for the clear and explicit instructions which enabled me to successfully resist the attempted encroachments on American rights in Turkey.

I have, etc.,

SOLOMON HIRSCH.

[Inclosure in No. 456.]

Circular of instructions sent from the department of interior May 3 (15), 1892.

To all the Vilayets and independent sanjaks:

The decision of the council of ministers, concerning the extension of three months of the term of one month and a half set for schools and places of worship opened without official permission by foreigners in the Ottoman Empire, has been communicated to every point in general orders identical in form; but it is reported that the times fixed have been different, some long and some short in proportion to others, and that in some places useless difficulties have been created by refusing permission for small and needful repairs, like those of roofs and walls of schools opened in this way, or that the owners are being threatened by declarations that the schools are to be closed. Certain embassies, also, are making continuous complaints to this effect. Hence vizierial orders have been issued directing that it be made known to the vilayets and independent sanjaks that, until the framing of a decision by the Government in explanation of the former instructions, the present condition of schools and places of worship is not to be interfered with. General orders have been promulgated to those provinces. You will do what is required.

MAY 3, 1308 (15, 1892).

Mr. Blaine to Mr. Hirsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 1, 1892.

Has interference with Stamford Company at Alexandretta been stopped? President wishes to know.

BLAINE.

Mr. Hirsch to Mr. Blaine.

[Telegram.]

CONSTANTINOPLE, *June 2, 1892.*

All interference with Stamford Company stopped May 17.

HIRSCH.

Mr. Hirsch to Mr. Blaine.

No. 470.] LEGATION OF THE UNITED STATES,
Constantinople, June 14, 1892. (Received June 27.)

SIR: I have the honor to inclose herewith copy of a circular, issued and distributed among the American missionaries throughout the Empire, in relation to the late arrangement of the school difficulties and the present status of American schools.

I have, etc.

SOLOMON HIRSCH.

[Inclosure with No. 470.]

Circular.

The American schools in various parts of the country, although they have generally been conducted for several years in conformity to the requirements of article 129 of the school law, have been notified that they must obtain official permits within three months or close their doors.

These schools already possess what is equivalent to an official permit under the arrangement concluded between the United States legation and the Sublime Porte, and set forth in the dispatches of the United States legation No. 137 and 144 of December, 1886, and in the order issued by the ministry of public instruction December 16, 1302. This arrangement and its official recognition of the schools was confirmed by the vizierial order of 16 Ramazan, 1306 (May 16, 1889). These documents, which were printed and sent out at the time, constitute a sufficient official authorization for all American schools which have submitted their books, course of study, and the diplomas of their teachers to the approval of the local authorities, as provided for in article 129 of the school law.

This being the case, Hon. Solomon Hirsch, United States minister, has obtained from the Sublime Porte the issue of a circular directing that existing schools and chapels be not interfered with until fresh instructions in explanation of the order to require new permits from these schools are promulgated by the Imperial Government.

The United States legation has communicated a copy of this circular to the mission of the American board at Constantinople, with the understanding that it will be placed in the hands of the various missions interested, and will be shown to the local authorities in case of further inquiry as to special individual permits for the schools which are already entirely conformed to the requirements of law.

The expectation of the United States legation is that all managers of existing American schools will see that the course of study and the books used in the classes are approved by the officials of the department of public instruction, and that no

teacher is employed whose diploma lacks the certificate of approval of that department. In whatever American schools these requirements of the law are carefully observed there will be no ground for complaint, and no new requirements will be enforced upon the schools except by the intermediation and assent of the legation.

In case it is desired to erect new buildings or to open new schools, application should be made to the local authorities with a declaration that this is in conformity with article 129 of the school law, and with offer of facilities for inspection of the school by the proper authorities. The legation considers that conformity to article 129 of the school law should remove all difficulty in the way of granting authorizations which are requested.

The above is submitted for the information of all concerned.

HENRY O. DWIGHT.

CONSTANTINOPLE, *June 1, 1892.*

Translation of the circular of instructions issued by the Department of the Interior, May 3, 1308, in reference to chapels and schools.

The decision of the council of ministers, concerning the extension by three months of the term of one month and a half set for the schools and places of worship opened without official permission by foreigners in the Ottoman Empire, has been communicated to every point in general orders of identical form; but it has been learned that the times fixed have been different, some long and some short in proportion to others, and that in some places useless difficulties have been created by refusing permission for small and needful repairs, like repairs of roofs and walls of schools opened in this way, or that the owners are being threatened by declarations that their schools are to be closed. Certain embassies, also, are making continuous complaints to this effect.

Hence, by vizierial order, it has been commanded that the vilayets and independent sanjaks be informed that, until the framing of a decision by the Government in explanation of the former instructions, the present condition of schools and places of worship is not to be interfered with, and general orders having been issued in conformity therewith you will take the steps required.

MAY 3, 1308 (May 15, 1892).

Mr. Wharton to Mr. Hirsch.

No. 342.] DEPARTMENT OF STATE,
Washington, June 14, 1892.

SIR: The Department was highly gratified to learn by your No. 456, of 28th ultimo, that on the 15th of May, 1892, the Porte issued a circular informing the local authorities that "until the framing of a decision by the Government in explanation of the former instructions, the present condition of schools and places of worship is not to be interfered with."

Your action in the matter justly merits the full approval of the Government.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Newberry to Mr. Wharton.

No. 478.] LEGATION OF THE UNITED STATES,
Constantinople, June 18, 1892. (Received July 5.)

SIR: I beg to acknowledge receipt of Department's Nos. 335 and 336, concerning the interference of the Turkish local authorities at Alexandretta with the business of the Stamford Manufacturing Company.

As no further complaints have been received from the company, the local authorities at Alexandretta having carried out the instructions of the Porte, I will not take any further steps in the matter without instructions to that effect.

I have, etc,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberry to Mr. Foster.

No. 499.] LEGATION OF THE UNITED STATES,
Constantinople, July 21, 1892. (Received August 4.)

SIR: Replying to your No. 351, of July 1, requesting a translation of the "school law" as it now stands, so far as it relates to the interests of citizens of the United States, I have the honor to inclose herewith the information asked for.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure with No. 499.]

School law of Turkey.

In the school law promulgated in 1869, there are only articles 129 and 130 which relate to schools conducted by foreigners, of which the following is a translation:

Second category—Free schools.

ARTICLE 129. The free schools are those founded by the communities or by private Ottoman or foreign subjects. The instruction is either gratuitous or by tuition, and their expenses are covered by their founders or by the vacaufs (a trust foundation in mortmain for a charitable or pious purpose) to which they are attached.

The foundation of free schools shall be authorized in the provinces by the governor-general or by the academical council, and at Constantinople by the ministry of public instruction.

This authorization will not be given but under the following conditions:

(1) The teachers and professors must be furnished with a certificate of capacity, or diploma issued by the ministry of public instruction or by the academical council of the locality.

(2) There shall be no teaching against politics and morals. To that effect the program of teaching and the text books in the free schools must bear the approbation of the ministry of public instruction or of the academical council of the locality.

Any school opened without these formalities will be closed.

The principals of the said establishments will be bound to get the certificates or diplomas. Their professors may be provided, legalized by the ministry of public instruction or by the academical council.

ARTICLE 130. It is formally forbidden to ill-treat the stubborn or lazy pupils, and to use injurious expressions towards them, either in the public schools or in the free institutions. The different degrees of punishment to be inflicted to children of bad conduct will be set forth by special instructions. Any offender will be punished in accordance with the law.

(See Legislation Ottomane, by Wistarky, Vol. III, page 299.)

Mr. Newberry to Mr. Foster.

No. 504.] LEGATION OF THE UNITED STATES,
Constantinople, July 28, 1892. (Received August 13.)

SIR: On July 22 I was called upon by Dr. Bowen, of the American Bible Society, who made complaint that the authorities of Aleppo were interfering with the work of their colporteur at that place. I called upon the grand vizier, who promised an immediate remedy, and I also requested Dr. Bowen to find out and inform me if the promise was kept. Dr. Bowen's letter (inclosure No. 1) seems to prove that it was.

To-day I am in receipt of another complaint of the same nature from Alachan. Another visit to the Porte called forth a like promise to the Aleppo case.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 504.]

Dr. Bowen to Mr. Newberry.

AMERICAN BIBLE SOCIETY,
Constantinople, July 23, 1892.

DEAR SIR: I regret being obliged to trouble you with another case of illegal interference with our colporteurs. This time it is at Alachan, in the Sanjak of Samsoon, Vilayet Trebizonde. It is really the renewal of an old case, supposed to be settled. Mr. Papazoglon, our colporteur there, was roughly treated over a year ago, and for the sake of peace, after the case was settled, we sent him elsewhere. But now the authorities have again prohibited him from working according to his custom in the streets and market places, and they plead in their defense an order of the governor of Samsoon of May, 1892. This whole case from its very beginning, a year ago last March, up to the present day has been most exasperating in its details, and notwithstanding assurances to the legation, repeated again and again, has never yet been fully settled. It figures heavily in the indemnity claim which our society will soon present at Washington. I beg of you to demand that a telegraphic order be sent at once, not merely to the Trebizonde vali, but also to the Samsoon mutaseriff and to the caima kan of Alachan, to withdraw the illegal orders and let our colporteurs alone. Our men will be instructed by us to telegraph as soon as permitted to go without restraint about their business.

I have as yet no intelligence from Aleppo as to the settlement of the difficulty there, but will let you know as soon as I receive any information.

I shall be very greatly obliged if in this Alachan case very prompt and decisive action can be taken.

I am, etc.,

M. BOWEN.

[Inclosure 2 in No. 504.]

Dr. Bowen to Mr. Newberry.

AMERICAN BIBLE SOCIETY,
Constantinople, July 26, 1892.

DEAR MR. NEWBERRY: It gives me satisfaction to inform you that the difficulty at Aleppo seems to be settled, at least for the present, thanks to your energetic action.

I hope we may as quickly and satisfactorily settle the case at Alachan, of which I wrote you a day or two ago. Thanking you for your kindness, I remain,

M. BOWEN.

Mr. Adee to Mr. Newberry.

No. 365.] DEPARTMENT OF STATE,
Washington, August 15, 1892.

SIR: I have received your No. 504 of 28th ultimo, relative to the interference of the authorities of Aleppo and those of Alachan with certain officers of the American Bible Society.

Your efforts to protect the rights of these American citizens meet with approval.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Newberry to Mr. Foster.

No. 515.] LEGATION OF THE UNITED STATES,
Constantinople, August 18, 1892. (Received September 1.)

SIR: I have prepared the following telegram, which I will send in a few hours, as it is now 3 o'clock a. m.:

SAID PACHA,
Minister of Foreign Affairs, Pera:

I have received to-day from Mr. Bartlett of Bourdour the following telegram, which I hasten to communicate to you for your information: "Last night they burned down my house totally. Our lives also are greatly in danger." I hold the Imperial Government responsible for the security of the lives of Mr. Bartlett and his family, and I trust that immediate steps will be taken to that end.

NEWBERRY, *Chargé.*

Some ten days ago I called upon the Grand Vizir and left with him a memorandum of Mr. Bartlett's case, and he promised to have immediate orders sent that Mr. Bartlett should not be further molested. I then wired Bartlett that such orders had gone. A week went by and Bartlett answered that the local authorities denied all knowledge of such orders. Another visit to the Porte and further peremptory telegraphic orders were sent. Mr. Gargiulo saw the telegram, which was in Turkish and it was all that could be desired. This morning I wired Bartlett as follows:

The Grand Vizir informs me final orders had gone to Vali of Conia, allowing you to complete your building. Telegraph me if permit refused.

NEWBERRY, *Chargé.*

And the result of all this has been the destruction of Bartlett's house. By the word "they" he means either Greek or Armenian community. They have both been intriguing with mutaseriff of Bourdour against Bartlett and have been magnificently successful in delaying his missionary work.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Foster to Mr. Newberry.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 19, 1892.

Mr. Foster instructs Mr. Newberry to urgently make the following demands in the case of Dr. Bartlett, at Bourdour: First, for effective protection; second, sufficient pecuniary indemnity; third, punishment of all the guilty; fourth, reprimand of officials if proved remiss; and informs him that a vessel will be sent to investigate if these demands fail.

Mr. Newberry to Mr. Foster.

No. 517.] LEGATION OF THE UNITED STATES,
Constantinople, August 20, 1892. (Received September 5.)

SIR: I have just seen a private letter from Mr. Bartlett to Dr. Dwight, of this city, in which he states the following:

On the 9th of August, Mr. Bartlett undertook to repair the inclosing wall of his premises at Bourdour and to build a gate therein, the said gate being about 20 feet in front of the house whose completion has been interfered with. The repair of this wall and gate was necessary for the preservation of the property, and under the municipal laws was a right belonging to Mr. Bartlett. Soon after commencing the work the police arrived, tore down the scaffolding and arrested the seven men engaged in the work. Mr. Bartlett called on the governor, who charged him with trying to resist the order of the authority and to work on the house which he had been forbidden to finish. In order to secure the release of his innocent workmen Mr. Bartlett was required to pay [the sum] of 25 piasters per head, and did so. The men were then released.

By this action the premises were left open to access from the street, and the proper protection of the house was rendered impossible. Mr. Bartlett is of opinion that the interference of the authorities in the work upon the wall was due to representations of certain Armenian and Greek notables to the effect that the workmen were engaged upon the house itself. As I considered this a good point as throwing the blame on the Turkish authorities I deemed it of importance enough to cable you as follows:

On the 9th of August, Bartlett, by right of the municipal law, began the repair of wall surrounding house. Police arrested workmen, prohibited further work, and destroyed work done, rendering proper protection of premises impossible.

To show the feeling of the Armenian community against American missionaries, I will state that about a year ago, a native Protestant died; permission was asked and refused to bury him in Armenian cemetery; the governor was appealed to, who decided he should be buried in Armenian cemetery, and sent guard of soldiers to protect the funeral procession. The same night a mob of Armenians resurrected the body, dragged it about the town by a rope and left it in front of the missionary's house, and no punishment was inflicted, although the perpetrators of the outrage were well known.

I shall present this affair of the attempted repairing of wall as a prelude to any demand I may be instructed to make as throwing the blame on Turkish authorities for destruction of house in leaving perfectly unprotected and encouraging any enemies Bartlett may have had in destroying his property.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberry to Mr. Foster.

No. 520.] LEGATION OF THE UNITED STATES,
Constantinople, August 23, 1892. (Received September 5.)

SIR: I have the honor to inclose herewith, for your information, a copy translation of a note received this morning from the minister of foreign affairs in regard to the Bartlett case. I shall not allow myself to be drawn into a diplomatic correspondence, but shall simply send my note, with its demands, this evening.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 520.—Translation.]

Said Pacha to Mr. Newberry.

MINISTRY OF FOREIGN AFFAIRS,
Constantinople, August 22, 1892.

M. LE CHARGÉ D'AFFAIRES: Since the receipt of your telegram and the subsequent note that you were good enough to address me on the 19th instant, I hastened to inform myself by telegraph, through the Governor-General of Konia, of the burning of Mr. Bartlett's house at Bourdour.

From the telegram received from his excellency Hassan Bey, this house, in process of construction, was burned, from all appearances through the negligence of his watchman, Hamparsoum. A minute investigation is being made on the spot at this moment, the result of which you shall be made acquainted with.

As to his personal security, it has not at any time been menaced.

Accept, etc., SAID.

Mr. Newberry to Mr. Foster.

No. 521.] LEGATION OF THE UNITED STATES,
Constantinople, August 24, 1892. (Received September 12.)

SIR: I hasten to inform you that on yesterday afternoon I called upon Said Pacha, the minister for foreign affairs, and delivered in person into his hands the note and demands in the Bartlett case, an unofficial French translation copy accompanying the English one, and a copy of the latter you will find inclosed herewith for your information.

I said to his excellency that I regretted personally the necessity of being obliged to hand him such a document, but that the exigencies of the case necessitated such action on my part. I also said I should be pleased to know when I could obtain a reply to the note in order that I could transmit such reply to Washington. He asked me if this note was an ultimatum. I replied distinctly that my note was not to be understood in the sense of an ultimatum of any kind, but that I hoped the matter could be settled amicably "out of court" before being obliged to report formally to Washington that its instructions had been carried out and the note and demand presented and that I would be glad to allow a reasonable time for the deliberations of himself and colleagues, and intimated that ten days was quite sufficient and if at the termination of that period the Sublime Porte did not see fit to comply exactly with the demands by taking the initiative and on its part offering in a formal note, to be accompanied by a draft of £1,200, then I should be obliged to report to the United States that a reasonable time had elapsed and no such initiative course been taken by the Porte; that "the

demands were presented ten days ago and no reply thereto has been received to date;" but if full compliance was offered I would withdraw the note and demand presented as soon as such compliance was carried out, thus opening an honorable way for the Porte to right a wrong. I trust my action in this matter will meet your full approval.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 521.]

Mr. Newberry to Said Pasha.

No. 115.] LEGATION OF THE UNITED STATES,
Constantinople, August 23, 1892.

EXCELLENCY: An event has taken place within the past few days, and within the dominions of His Imperial Majesty the Sultan, concerning the property and person of a citizen of the United States that I, as the representative of that Government, could not, by reason of its serious aspect, call your excellency's attention to without first transmitting the known facts in the case to the Government at Washington for its information and deliberation.

I refer, firstly, to the destruction by Turkish subjects of a nearly finished house owned by the Rev. Mr. Bartlett, a citizen of the United States, and erected by him in the mutessarifflik of Bourdour, province of Konia, Asia Minor, said destruction of house being from incendiarism and occurring on the night of August 17, 1892. Secondly, to the threatened danger to the lives of Mr. Bartlett and the members of his household through the actions of Turkish subjects, so serious a danger that he has been obliged, within the two days subsequent to the burning of his house, to telegraph asking the protection of this legation.

On this second point I beg to refer your excellency to my telegram to you of the 19th instant and to my note of the same date confirming the said telegram, informing you that I should hold the Turkish Government directly responsible for the safety of the lives of Mr. Bartlett and the members of his household.

I shall not ask your excellency to go into a detailed history of Mr. Bartlett's attempts to establish himself in this mutessarifflik. A number of notes have passed between the ministry of foreign affairs and this legation concerning this question which are matters of record, but I do desire to here recall to your excellency certain facts in this case which can not fail to be of special interest as leading up to this late catastrophe.

In December, 1890, the Rev. L. Bartlett, a citizen of the United States, profiting by the protocol which permits the purchase of real estate in Turkey by citizens of the United States, bought a piece of land in the mutessarifflik of Bourdour, province of Konia, for the uses of the American Board of Foreign Missions, he being a missionary of that society. The title deeds of this property were made out in due form in Mr. Bartlett's name and were registered and recorded in the land office at Bourdour, where a copy of the deeds is on file, the originals being in Mr. Bartlett's possession. In August, 1891, the Rev. T. N. MacNaughton, also a missionary of the American board, acting in Bartlett's place as his associate, obtained, after the usual formalities and on payment of the customary fees, an official permit from the municipal authorities at Bourdour to erect a dwelling house upon this land. The house was at once erected, being a frame building two stories high, and washhouse adjoining. In the early part of October the governor of Bourdour, in person, ordered the workmen to stop their work, even refusing to permit the tiles to be laid on the roof, although the raining season had set in. He gave as a reason for this action that he had been informed that a school was to be carried on in the house. Subsequently, upon representation that the permit to build had been regularly obtained, the governor assented to the completion of the work. Meantime, during the month of November, certain persons hostile to the presence of an American missionary in Bourdour induced the land office officials to report to the general land office in Constantinople that Mr. Bartlett was building upon "wild" land, which is unlawful to be built, without special orders from the Sultan. On the 30th of November, 1891, a new governor having been appointed to Bourdour, he stopped the work upon the house, upon an order from Constantinople, based on the false statement of the Bourdour land office.

Mr. Bartlett employed an attorney in Constantinople to present evidence in the case to the land office.

After a long and careful examination of the question, the general land office in Constantinople communicated to the authorities at Bourdour its decision that the completion of the building must not be hindered, the land being considered as properly authorized building land, since four hundred neighboring houses stood on land of the same class, and must be deemed properly authorized. Nevertheless the governor of Bourdour persisted in refusing to allow the house to be completed, alleging that the orders received were not sufficient. At the same time the governor made a determined effort to get possession of the title deeds "for examination." Mr. Bartlett refused to let them go out of his hands, referring the governor to the official copy at the Bourdour land office. The house being nearly finished, excepting the plastering and placing of doors and windows, this interference with its completion seemed so needless and unjust that the matter was brought to the knowledge of this legation in April, 1892, and through its representations an order was obtained from the Sublime Porte for the cessation of hindrance to Mr. Bartlett's work. The governor of Bourdour denied having received any such order. Finally, near the middle of May, he admitted having received the order for the completion of the house, but declined to obey it, alleging that it was insufficient. Further representations having been made by me to his highness, the grand vizier, about the 20th of June, his highness assured me that the necessary orders would be sent to Bourdour through the governor-general of Konia. Upon this assurance, Mr. Bartlett was advised by this legation to go in person to Bourdour to superintend the completion of his house, and to occupy it as soon as he could leave his business in Smyrna. Mr. Bartlett arrived at Bourdour on July 14. A new governor had recently been installed, and upon him he called at once to inform him that as all difficulties had been removed he would at once commence work unless objections were made. The governor simply replied "Very well" (Pek ala), and on July 18 work was recommenced on the house.

On July 21 the governor stopped the work on account, as this legation is credibly informed, of the urgent request of several Armenian notables of Bourdour, who are intolerant of Protestantism.

The governor informed Mr. Bartlett that he had, indeed, received orders from Constantinople not to interfere with the building, since the charge that it stood upon wild land had been shown to be false, but that it was evident that the order contemplated his demanding a bond that the place should never be used for divine worship or for the instruction of children.

Mr. Bartlett remonstrated with the governor for thus raising again the question of a condition, illegal under the treaties, and which had been abandoned as untenable by the former governor. But the governor was immovable, and on July 28 gave Mr. Bartlett formal notice that he could not finish his house unless he would make such a bond and obtain to it the approval of the governor-general of Konia and the legalization of a United States consul.

I then made further representations in this case to his highness the grand vizier, who solemnly assured me that orders would be sent to Bourdour that could not be misinterpreted. During the delay intervening, Mr. Bartlett, seeing that his premises were easy of access from the street and open to trespass, found that under the right of a municipal law he could repair a wall and place a gate therein, said wall surrounding his house being some 20 feet distant from it. He engaged seven workmen to do this repairing, and they had barely finished putting up the scaffolding, preparatory to working on the wall, when the police appeared, arrested the workmen, and threw them into prison. Eight days later, on the night of the 17th of August, peremptory orders for the completion of the house having in the meanwhile been issued by the grand vizier, the house was burned to the ground.

Such, your excellency, is a short history of this case, and a review of it shows conclusively the existence of a conspiracy of those opposed to the residence of the American in his house, aided and abetted by officials of the Turkish Government to deprive Mr. Bartlett of his rights under the protocol.

The unusual and illegal course of setting aside by force an official permit to build; the puerile demand for pledges by which the use of the house should be limited; the trumping up of the false claim that a building lot in the midst of the town was "wild" land (so soon as it was found that the first plan would not serve); and the revival of the demand for pledges as to the use of the building as soon as the false claim had been set aside by higher authority; the forcible stoppage of the work on the inclosing wall, besides placing on the governor of Bourdour direct responsibility for damage to the property thus left unprotected, openly encouraging lawless men in the town to believe that in the opinion and practice of the Turkish Government Mr. Bartlett had no rights in that town; and in the interval of one year past, and on numerous occasions, this legation has been assured by the Sublime Porte that

orders had been sent to the proper officials that Mr. Bartlett was not to be molested. These orders not having been obeyed in the sense of the assurances given this legation that they would be, and the coincidence of the burning of the house with the issue of peremptory orders for its completion, give good ground for a belief that the orders of the Sublime Porte were communicated to those hostile to, while at the same time withheld from, the person for whose relief they were intended, all show a clear intention at all hazards to prevent the enjoyment by Mr. Bartlett of his property.

The facts connected with this outrage, and which are beyond any controversy, and the above review of the case have been deemed worthy of prompt and effective action on the part of my Government, and I am under the necessity of now carrying out the explicit instructions sent me by my Government in presenting to the Sublime Porte for its immediate and most serious attention the following urgent demands:

First. That immediate effective protection be given the lives and property of Mr. Bartlett and the members of his household, and that this legation be guaranteed in a written document that such future protection will be granted him that will allow him to immediately rebuild his house and to reside in it unconditionally.

Second. That the sum of 1,200 Turkish pounds be paid to the Government of the United States by the Turkish Government for Mr. Bartlett as a pecuniary reparation to him for expenses and damages incurred by him and for the purpose of replacing his property; and in addition to this sum of 1,200 Turkish pounds I reserve to the Government of the United States the right to demand of the Turkish Government the amount of the expenses incurred by the former Government in the enforcement of these demands and collection of this claim of 1,200 Turkish pounds.

Third. That the Turkish Government shall search out, arrest, and punish in the most exemplary manner the perpetrators of the outrage.

Fourth. That the present governor of Bourdour be publicly reprimanded by the power that appointed him, and that an official copy of the orders reprimanding him shall be furnished the United States legation at Constantinople.

Failing in these demands, I am instructed to report to the Government at Washington such failure of compliance of the Sublime Porte.

I beg your excellency to be good enough to send me an official acknowledgment of the receipt of this note, and I also beg that I may be permitted to take this opportunity to express, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberrg to Mr. Foster.

No. 522. LEGATION OF THE UNITED STATES,
Constantinople, August 24, 1892. (Received September 12.)

SIR: I sent this morning a telegram stating that I had this day presented the demands and that the necessity for such demands was made apparent by a letter received from Mr. Bartlett subsequently to the fire. In addition to the facts as detailed in my note and demand, it seems that from the moment of the arrest of the workmen employed on the wall, Mr. Bartlett, his daughter Nellie and another missionary woman, were subjected to insults, on several occasions stoned, windows in their house broken, etc. He appealed for protection but was obliged first to write a petition. He was then furnished guards who were practically useless. Some boys were arrested but immediately released, as the governor said they denied having done anything, etc.

I told Dr. Dwight to wire Bartlett not to enter into any arrangement or negotiation for settlement of his case as the matter was now in my hands.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberry to Mr. Foster.

No. 523. LEGATION OF THE UNITED STATES,
Constantinople, August 24, 1892. (Received September 12.)

SIR: It is a relief to be able to send you something agreeable. I take pleasure in inclosing copy of a letter from the head of the Eastern Turkey mission which explains itself.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 523.]

Mr. Andrus to the United States Legation.

MARDIN, *August 6, 1892.*

HONORED SIRS: The Eastern Turkey Mission of the American Board of Commissioners for Foreign Missions at its recent meeting, held in Harpoot July 18-27, requested me to convey to you the hearty thanks it feels for the energetic efforts and successful services rendered by the members of the legation of our beloved country, both to us as American citizens and to our legitimate work as missionaries.

We would especially express our gratitude to you for the effectual endeavors exercised in behalf of our countryman and missionary colleague Rev. D. A. Richardson, of Erzeroom Station, in his case with the wali of that province; and also our hearty recognition of the prompt, vigorous, and complete defense, not only of our rights as missionaries in connection with our educational interests vested by our board in this country, but also of the rights of the protestant community as conveyed to them in the historical charter of their existence—the Hatti-Hoomayoon.

Please accept this testimonial of our deep appreciation of the vigilance exercised by you all in our behalf, both in respect of our personal safety and individual rights, and also with reference to the legitimate work in which as missionaries we are possessed of treaty rights which no imperial rescript may suffice to stultify.

Grateful for your faithfulness in the past, we shall not cease to pray that you may continue to enjoy the healthful favor of Him by whom "Kings reign and princes decree justice" in your future efforts to guard and conserve the interests distinctively American in this land.

On behalf of the Eastern Turkey Mission of the American Board of Commissioners for Foreign Missions.

A. N. ANDRUS.

Mr. Newberry to Mr. Foster.

No. 524.] LEGATION OF THE UNITED STATES,
Constantinople, August 25, 1892. (Received September 12.)

SIR: I inclose herewith for your information extracts from a letter of Bartlett and Dr. Dwight, of this city, dated August 16, 17, 18, giving details of the destruction of his home and events preceding and subsequent to that event. The stoning and insulting of Mr. Bartlett is really the only new element of importance. In reply to a telegram I sent Bartlett three days ago, an answer came from him this morning, saying "I am now in safety." I shall avoid to the utmost being drawn into a discussion on paper of evidence, and stand by the statement that if within a reasonable time the Porte does not see fit to take the initiative and offer to do exactly what the demands call for, I must report to Washington that ten days ago the demands were presented and since that time a favorable reply has not been given. If at any future interview on this question with the minister of foreign affairs he presents verbal evidence contrary to what we have then I will tell him what I know.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure 1, with No. 524.—Extract.]

Letter of Rev. L. Bartlett.

On the 9th of August, as men were at work completing the street wall in front of the house (which stands back several arshuns [*sic*] from the wall) and building a gateway, no work being done on the house itself, zabtias (watchmen) were sent by the musterariff, and with their own hands tore down the staging at the gateway and a part of the frame work of the gate itself. They also seized the seven men who were at work and imprisoned them, and for their release I was obliged to pay 175 piastre.

In a conference with the musterariff immediately after the affair he became very angry and declared that from my refusal to sign the desired pledge, viz, that the building was not to be used either for a church or school, it was understood that I was building a church and threatened to make a report to that effect and send to Constantinople, the result of which would be an order to demolish the house at once. I claimed the right under the municipal law to finish the wall and the gate for the proper protection of the property, but he stoutly insisted that I had "no right to move so much as a handful of earth."

August 10 I received a telegram from Dr. Dwight announcing that a "tékid emr" (emphatic order) had been sent to Konia to the vali (governor-general), and on the same day I telegraphed to the vali that from two telegrams received from Constantinople I learned that an order for the completion of the building had been sent, and requested him to forward it without delay to the musterariff of Bourdour.

On the evening of August 12, as two young men were bringing from a shop in the market to the new house a door which had been built for the street wall it was forcibly taken from them by the police with the accusation that they were secretly at work on the house, which was false, as no work has been done on the house since we were ordered to stop.

On the 13th of August the musterariff called me and read to me a telegram from the vali requesting him to call me and inform me that in the matter of the house no decision had yet been reached; that he was in correspondence with the authorities at Constantinople, and that when a decision was arrived at he would inform me.

I learn and fully believe that the Armenians and the Greeks are unitedly determined to prevent the building of the house, and one of the leading Greek citizens said to a reliable friend of mine that if an order were sent to finish the building it could not be done. It is even now strongly suspected by our friends that a report has already been prepared and sent to Constantinople declaring that we are building a church, and if so, it may delay the matter still longer.

For several days we have been insulted and stoned in the streets; this by boys, but most clearly with the consent and encouragement of adults. A few days ago I was struck in the back by a stone thrown with violence. On the evening of the 15th our house was stoned and two windows broken, besides other indignities offered. On the same evening one of our friends, a convert, was struck by a large stone, knocked down and badly injured. On the 16th I complained to the musterariff of this treatment. He replied, "You must make a petition," which I did, and in the evening several police appeared and all was quiet, but to-day, the 17th, it has been as if there had been no orders to preserve the peace. Nellie, my daughter, and also our Bible woman were invited this afternoon to a garden near by. After a little Nellie sent me a note asking me to send a policeman, as boys were insulting and stoning them. I sent for a policeman, who shortly afterward arrested some boys and took them to the guard house. I then went to the garden to escort my daughter home, and all the way we were insulted as we had been before, and the boys arrested were very shortly released. I went to see the musterariff, who congratulated himself on the promptness he had shown the night before. I told him that his authority, as displayed, was not worth five paros, and that unless the offenders were punished it would all be in vain. He pleaded that all denied the charges made; that all the watchmen and persons who ought to know denied all knowledge of any difficulty. The fact is the whole town is in a ferment on our account. I have hardly ever seen the like, and in my opinion the musterariff is responsible for it all, for there was no trouble of any kind until he sent and tore down our staging and imprisoned our men.

Thursday a. m., August 18.—The house is finished, for the flames have swept it clean. About midnight the alarm of fire aroused us, and already the building was enveloped in flames and there was no possible hope; neither was any effort made to save it. A young man who was sleeping in the building barely escaped with his life, losing everything and escaping in his night clothes. That the building was intentionally fired there is not the shadow of a doubt, for there was no fire used in the building and the man who slept there never uses tobacco. There was no wind, or it would have been impossible to check the fire and many houses must have

burned; as the building stood alone, there was little danger of spreading. Before the fire broke out stones were thrown at our windows three times, twice breaking glass and the last time while three policemen were in the street under our windows and heard the glass rattle. Soon after the fire a dozen or more police were gathered in the street under our window, and we could easily hear their loud talk as some of them declared of us, "They are all liars, they have done it themselves," etc., with all sorts of severe epithets. All kinds of threats are being made, and we know not what a day may bring forth.

LYMAN BARTLETT.

Mr. Newberry to Mr. Foster.

No. 526.] LEGATION OF THE UNITED STATES,
Constantinople, August 29, 1892. (Received September 12.)

SIR: Further complaints have been made to me by the American Bible Society concerning the interference of the local authorities at Alachan with their colporteur. I have addressed a second note to the Porte asking for immediate satisfaction, copy of which note you will find inclosed.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 526.]

Mr. Newberry to Said Pasha.

No. 117.] LEGATION OF THE UNITED STATES,
Constantinople, August 29, 1892.

EXCELLENCY: Some four weeks ago his highness the grand vizier solemnly assured me that the colporteur of the American Bible Society of Alachan would not be further molested in the prosecution of his business, as has been the custom heretofore. From advices received this day I am informed that the authorities there still forbid this man to go about his work, and have ever been attempting to induce him to give security that he would not continue selling religious publications. In addition to this, the box of books seized by the authorities is still retained by them. It seems highly desirable, your excellency, that the promises given this legation be promptly carried out.

I take, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberry to Mr. Foster.

No. 527.] LEGATION OF THE UNITED STATES,
Constantinople, August 29, 1892. (Received Septem

SIR: Dr. Dwight, of the Bible House, called to make a complaint regarding the private correspondence of Miss Bush, an American missionary at Van, seized by the authorities at that place. As will be seen by the inclosed copy of my [note] to the Porte, I have requested the immediate return of their letters.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 527.]

Mr. Newberry to Said Pasha.

No. 116.] LEGATION OF THE UNITED STATES,
Constantinople, August 29, 1892.

EXCELLENCY: On the 11th of August the custom authorities at Van seized from a trunk belonging to Miss C. Bush, of New York, all her private correspondence received from home friends, and sent it to the office of the governor-general for examination. This correspondence seized embraced several hundred letters which have accumulated during fifteen years past. The governor-general claims the right to detain and has refused to surrender upon the friendly request of Mr. Fitzmorice, British vice-consul at Van.

I believe it has never been admitted by the legation, nor indeed claimed by the Ottoman authorities, that the officials of the Turkish Government may seize and examine the private papers of respectable American citizens. Were it necessary to examine such papers, the examination would legally be made by a consul alone.

Hence I beg that you will kindly order by telegraph the immediate return to Miss Bush of her letters now in the hands of the governor-general of Van.

Since delay will imply the reading of these papers and the violation of the feelings of the girl whose thoughts are thus to be discussed by strangers, I beg that orders may be sent telegraphically if possible.

Permit me to take this opportunity to express, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberry to Mr. Foster.

No. 528.] LEGATION OF THE UNITED STATES,
Constantinople, August 30, 1892. (Received September 15.)

SIR: I instructed Mr. Bartlett to forward me all items of evidence that could in any way help his case, solely for the purpose of forwarding you for your information and not for presentation to the Porte, as I intend to evade any discussion of evidence until so instructed by you. I inclose herewith a statement received from him this morning. There is no question but that a conspiracy existed, and still exists, to prevent, at all hazards, Mr. Bartlett establishing himself at this place. He sent word to me that he would like to return to Smyrna. I sent word to him through the same source not by any means to leave the town one hour, that we would stand by him as long as any American had a right to stay in this country, and to show the white feather at this critical juncture would be altogether too encouraging to his enemies. I have sent word to the minister for foreign affairs that I should have the honor of calling upon him on September 1, in order to ask him if he had a reply to my note and demand.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 528.]

Further statements of the Rev. L. Bartlett concerning the Bourdour affair.

(1) On Saturday the 20th, the yuz bashi (chief of police) with a scribe and another officer called on me to inquire what reason I had for telegraphing that our lives were in danger. I replied that I had not sent such a telegram without careful thought. We had been repeatedly stoned during several days. Our windows were being broken each night. I had been hit by a stone and one of my friends had just been knocked down and severely injured by a stone thrown in the dark. The worst kinds of threats were constantly reaching our ears, and we knew, what no one here denies, that the Greeks and the Armenians had held a conference and agreed to act

together against the Protestants. Moreover, special orders had been sent to the owners of all the houses occupied by Protestants to turn them out, which meant to leave them houseless. Such orders had been sent to my landlady, by which she was put in a great fear because I would not leave; and finally my own house had been burned. Knowing the character of the people, and how little self-control they have when excited, as they were at that moment, I was perfectly justified in saying that our lives were in danger.

(2) I learn this morning that on the night of the fire, in the quarter where my informant lives, everybody was up when the alarm was given, as if in expectation of something. The fire broke out about midnight, and it seemed to me impossible that such crowds could have dressed themselves and rushed to the scene so very quickly. Furthermore, as they passed below our windows, yet some way off and unable to see the fire, we could hear them saying: It is the Protestant's house; and others would reply; "Ora mi dir?" (it is there, is it) the tone showing that something was expected to happen there.

Mr. Newberry to Mr. Foster.

No. 536.] LEGATION OF THE UNITED STATES,
Constantinople, September 7, 1892. (Received September 27.)

SIR: Referring to my No. 526 I have received a further communication (copy inclosed) from Dr. Bowen of the American Bible Society, with regard to the seizure of a box of bibles by the authorities at Alachan and their refusal to allow the society colporteur to transact his business. This matter is some six weeks old. Two notes have been written to the Porte about it, and I called on the grand vizier, who promised that peremptory orders would be sent to deliver up the bibles, and that the colporteur must not be further molested. Evidently no attention has been paid to requests. I feel called upon to ask the Department to intrust me with such instructions as will compel granting of the necessary satisfaction.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

P. S.—The grand vizier assured me to-day that he would immediately send an order by telegraph to have the bibles delivered up and that the colporteur should not be further molested.

[Inclosure in No. 536.]

Mr. Bowen to Mr. Newberry.

AMERICAN BIBLE SOCIETY, LEVANT AGENCY,
Bible House, Constantinople, August 20, 1892.

DEAR MR. NEWBERRY: Three weeks have now elapsed since you were assured by the grand vizier that stringent orders had been sent to Alachan in regard to the colporteur there. I am sorry to inform you that there has been no relief in the situation there. The colporteur is still forbidden to go about his work, according to the usual custom, and the authorities there have been attempting to induce him to give security that he would not do what we employ him to do, and what the laws regulating colportage permit him to do. In addition to this the box of our books which I have already informed you had been seized by the authorities at Alachan is still retained.

It seems to me highly desirable that we demand that this whole business be now closed by means of the telegraphic service. We have waited three weeks for the tedious process of corresponding by post, and absolutely nothing has come from it By telegram the whole matter can be easily settled in two or three days.

Thanking you for your interest in the case, and hoping for something decisive,

I am, yours, respectfully,

M. BOWEN.

Mr. Foster to Mr. Newberry.

No. 377.] DEPARTMENT OF STATE,
Washington, September 7, 1892.

SIR: I have received your Nos. 517 and 518 of the 20th ultimo, and your No. 520 of the 23d ultimo, relative to the outrages perpetrated, apparently under instigation of Armenians, on the property of the Rev. Mr. Bartlett, an American citizen, at Bourdour.

Awaiting the receipt of further correspondence, and especially of the answer to your note demanding reparation and security for the future, which you were about to transmit to the Porte on the date of your No. 520,

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Newberry.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 7, 1892.

You are authorized to accept the proposition of Turkish Government to pay £350 for house and £250 indemnity.

FOSTER.

Mr. Newberry to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Constantinople, September 9, 1892.

Mr. Newberry states that he has been paid £600 as a settlement of the Bartlett case, and that the demands of the United States have been complied with.

Mr. Newberry to Mr. Foster.

No. 544.] LEGATION OF THE UNITED STATES,
Constantinople, September 15, 1892. (Received September 29.)

SIR: Referring to my dispatches numbered 526 and 536, respectively, I beg to inclose herewith a copy of a letter received here from Dr. Bowen, from which it will be seen that all trouble at Alachan is over with.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim

[Inclosure in No. 544.]

Dr. Bowen to Mr. Newberry.

AMERICAN BIBLE SOCIETY, LEVANT AGENCY,
Bible House, Constantinople, September 12, 1892.

DEAR MR. NEWBERRY: It gives me very great pleasure to inform you that I have this morning received a telegram from Alachan, saying that the illegal restrictions upon our business in that place had been removed.

Allow me, Mr. Newberry, to thank you most heartily and sincerely for the energy and efficiency with which you have attended to this case, and for the happy result which has now been reached. I only hope that we may have no further occasion to appeal to the legation in regard to cases of this nature.

I remain, yours, faithfully,

W. N. BOWEN,
Agent of the American Bible Society.

Mr. Foster to Mr. Newberry.

No. 385.] DEPARTMENT OF STATE,
Washington, September 16, 1892.

SIR: I have received your dispatch No. 538 of the 30th ultimo, in further reference to the virulence of the local Greek and Armenian prejudice against the American missionaries at Bourdour, and note the evident wisdom of your advice to Mr. Bartlett, not to abandon his interests at Bourdour, as he felt disposed to do. The assurances which you have conveyed to Mr. Bartlett that this Government designs to pursue all proper measures for the protection of its citizens, which are justified by the facts, meet with approval.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Newberry.

No. 386.] DEPARTMENT OF STATE,
Washington, September 16, 1892.

SIR: I have to acknowledge the receipt of your Nos. 521, 522, 524, and 525 of the 24th, 25th, and 27th ultimos, in further relation to the case of Mr. Bartlett at Bourdour.

It affords me pleasure to commend the zeal with which you have pressed our just claim in the premises to a conclusion, in execution of the telegraphic instructions of this Department.

The matter of a pecuniary payment by way of reparation for the actual loss sustained and personal indemnity for Mr. Bartlett, appears to remove this phase of the question from the field of diplomatic action. It is trusted that the sense of justice and friendly disposition of the Turkish Government will not halt here, but that its efforts will be continued in the directions outlined by your presentation of the demands of this Government; and that not only will Mr. Bartlett receive the positive measure of protection due and promised, but that the displeasure of the Ottoman Government will be signally visited upon the perpetrators of the wrong and upon the dependents of its authority

whose negligence or inefficiency may have contributed to bring about this regrettable incident.

Awaiting your further report as to the manner in which the payment of the indemnity was effected,

I am, etc.,

JOHN. W. FOSTER.

Mr. Newberry to Mr. Foster.

No. 547.] LEGATION OF THE UNITED STATES,
Constantinople, September 26, 1892. (Received October 13.)

SIR: I have the honor to herewith inclose for your information copy of a letter from Dr. Bowen, of the Bible House, regarding the seizure of a lot of Bibles at the town of Geybize. Also copy of my note to the minister of foreign affairs on the same subject.

I also called on the grand vizier, and read to him a memorandum of the case. He immediately dictated a telegram to the authorities of Geybize ordering the return of the books and future nonmolestation.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 547.]

Dr. Bowen to Mr. Newberry.

BIBLE HOUSE, *Constantinople, September 24, 1892.*

DEAR MR. NEWBERRY: Another seizure of Bibles has occurred. It occurred three days ago at Geybize, a town a little ways out on the Nicomedian Railway, within the limits of the vilayet of Constantinople. As I understand the matter, the personal liberty of the colporteur has not been interfered with, but only his books seized. The only excuse is that they have not the imprimatur of the Turkish Government. But as they were not printed in Turkey it is not surprising that this imprimatur should be missing. They are Bibles which come through the custom-house in the regular way, and which are in circulation all over the Empire. It ought to be easy for his excellency to settle the case, as it is so near headquarters. As I do not wish our agent delayed long in this small town, I hope you may be able to request that the books be given back as soon as possible. I am perfectly disgusted that this thing should occur right here and that I should be obliged to come to you so soon again with a request of this nature, but I seem to be left with no choice in the matter.

I am, etc.,

M. BOWEN,
Agent of the American Bible Society.

[Inclosure 2 in No. 547.]

Mr. Newberry to Said Pacha.

LEGATION OF THE UNITED STATES,
Constantinople, September 24, 1892.

EXCELLENCY: I beg to inform your excellency that on or about September 1 a number of Bibles were seized by the authorities at Geybize, vilayet of Constantinople. These Bibles are the property of the American Bible Society, which came through the custom-house in the regular way and are in circulation all over the Empire. The excuse for the seizure was that they did not have the imprimatur of the Turkish Government, which is not surprising as they were not printed in Turkey.

It seems particularly ridiculous that such a seizure should take place within this vilayet, and I must demand of your excellency that immediate orders be given for the return of these Bibles to the persons from whom they were seized.

Permit me to reiterate to your excellency the assurance of my distinguished consideration.

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberry to Mr. Foster.

No. 551.] LEGATION OF THE UNITED STATES,
Constantinople, September 27, 1892. (Received October 13.)

SIR: I inclose for your information copy of extract from the private journal of Mr. Bartlett, the perusal of which may be of interest as connected with the late outrage on that gentleman at Bourdour.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 551.]

The Bourdour Investigation.—Mr. Bartlett's Journal.

September 1.—This afternoon I was invited to go and see the mutessarif of Isbarta who came here to-day. We found the mutessarif of Bourdour with him. After a brief conversation the Bourdour mutessarif left, and we (the pastor and I) were alone with the mutessarif of Isbarta, though others were sitting in the room not far away. He told us that he had been ordered by the vali of Conia to investigate the matter of the burning of the house. He would try to learn the true state of the case as far as possible. He had seen much of the missionaries and their work. He added, in an undertone, that as we were preaching and teaching the people, of course we would wish to get along pleasantly with them. At his request the pastor gave a history of the affair, from the first granting of the permission by the municipality, when they cut off a piece of the land to straighten and widen the street, showing how the work went on, with many expressions of approval, and many good wishes from the officials for thirty-five days, when it was suddenly stopped by the mutessarif. Then, beginning at the time of my arrival, he narrated the events one by one; the orders reported from Constantinople never reaching here; the mutessarif tearing down our staging and imprisoning our men, who were simply working to protect the property while awaiting the permit for finishing the house; the people taking their cue from this conduct and beginning a deliberate and persistent persecution; the daily incidents, the stonings, the growing excitement of the people, and finally the fire, with the people expecting it that very night, and filling the streets immediately, rushing to see the sport, etc. The mutessarif listened quietly and replied: "You are quite correct in your statements," or words to that effect.

The mutessarif then asked me to help him find out the guilty persons. I replied that the difficulty began with the delay and the various acts of the local governor which encouraged the people in opposition to us. He said, "Do not say the Government is responsible." I replied, "It will be held responsible."

It was late, and the mutessarif intimated that we would have a friendly talk about the matter again. I answered, "I will talk in a friendly way but I can not take any official part in the investigation." He replied, "We will talk both officially and friendly." In leaving I repeated that I had said nothing of an official character. All this was very pleasant, for the mutessarif is a thoroughly good-natured fellow.

September 2.—The mutessarif appears to have had a very busy day. He seems to be honestly seeking for reliable evidence, with a determination to punish the guilty. He came to see the foundations of the burnt house to-day, and looked over the ground thoroughly. I then asked him to my rooms. He came with a retinue of zabtics. He inquired all about the stoning, etc., and said that he had already found four men guilty of misdemeanors and had two of them already in prison. I showed him the window where the ashes were thrown in and the box full of ashes which we had collected. He then urged that if we had any more cases for examination that they might be brought on immediately. This evening our friends have decided to present several other cases to-morrow, which, if proved, will

tell heavily against the spirit of the opposition. The mutessarif asked one of our people about the expense of the building and where the money came from, but he simply answered that Mr. Bartlett owned the house.

He asked me if I was in correspondence with the legation. I replied that I was, indirectly. He wished to know if I would write about his coming and efforts, and of his imprisonment of the men. I replied that I would, of course. He wished to know if we were not pleased with this. I told him that I thanked him personally for his efforts, but that until the case was settled I had no formal thanks for anybody. He then asked if I would show him what I wrote upon the matter of his efforts and success. He also [offered] to show me what he wrote in his report, so that both of our reports might agree. I said, "I write in English a mere narative of running events. You could not read it if I were to show it. If you have confidence in me that I will tell the truth it is not necessary for you to see what I write."

At this he expressed the most perfect confidence in me, and so the matter dropped.

September 3.—If the one man is sought who contributed the most to stir up feeling against us, it is the Lieut. Bekir Effendi, who tore down the staging at the wall. He performed the job with so much zeal that it was evident he expected to be promoted for it.

I have had a very free talk with the mutessarif of S. Isbarta to-day, and reviewed the affair from the first. I claimed that the disaster and all the other troubles were due to the retention of the orders to finish the building, for the conduct of the local mutessarif encouraged the people to oppose us. He replied that the delay of the order was through no fault of the vali of Conia or the local governor, but was due to the refusal to give the required pledge. I did not care to discuss that question, so I made no reply.

I do not expect to see him again. He has expressed the desire to my friends that I would send a telegram to Constantinople saying that he has come here and accomplished his object. But I will let him send his own telegrams.

This evening a friend overheard the statement among the people that the Greeks have got to pay £1,600 and the Armenians £400 for this affair. Is it possible that the affair is settled and news has come to town? The question in my mind is, how much to demand of this people. It is an important question. I would not demand of them so heavy a sum as to seem to everyone unreasonable.

September 5.—Yesterday several of our friends were called up for examination. I was sorry that they consented to go on Sunday, but could not prevent it.

This morning I had a long call from my neighbor across the way, the leading Greek lawyer of the town. He has been very friendly to us for years, but in this affair he has held himself entirely aloof. He had a proposition from the mutessarif, of Isbarta, that we begin work on our lot so that he might know if any objections are raised by the people. I had intended to begin before this, but some of our friends thought it imprudent, and I have delayed a few days. We will begin to-morrow. I do not like to seem to do it on the suggestion from the mutessarif, and now wish I had begun before.

The question of sending a telegram to Constantinople commending the mutessarif (of Isbarta) was also broached by the lawyer, but did not meet with encouragement and he did not urge it. The mutessarif is a smart man, and he has taken up the matter in right earnest, and I believe he is determined to find the bottom if possible. He would be glad of a decoration, but it is not yet time to speak confidently in his favor.

All is quiet now, of course, for everybody is waiting to see where the ball will strike. The leading men now complain that the fault of a few persons should be imputed to the whole community. But the leaders might easily have prevented the result had they wished to do so. I should not be surprised if some betraying is done, and possibly the perpetrators of the deed may thus be brought to light.

Later.—The Isbarta mutessarif has been trying his best to get some statement as to the expense incurred on our building. Has sent an agent three or four times to-day. He says he has authority to pay cash to the full amount. He even went so far as to ask to see the account books. To all this I replied that I have no right to give such information without permission from the legation. He leaves to-day, I suppose. He has done his duty well.

Again.—The mutessarif has sent a written request that I give him a statement of the expenses, and if I can not do it that I write upon his letter, "I am obliged for good reasons to decline to answer." This I have done, and I hope he understands it now.

September 6.—I am in some doubt whether my long letter mailed yesterday left Bourdour at all. One of my friends took a letter to the post-office quite late and found the mail closed and the sacks in the wagon, to which the horses were harnessed ready to start for the railway station at Dineir. He found the mutessarif of Isbarta in the office, who asked if the letter which he had brought was for Mr. Dwight. The man replied that it was for his own son in Smyrna, and that my letter

had gone to the office in good time. The mutessarif then ordered the mail bags brought in and opened, the Smyrna pouch taken out and opened, and the letter put in. He then directed the post-office door to be shut, and it remained shut for some time. It was finally opened, the mail bags brought out again and loaded into the wagon. There was nothing in my letter out of which the government could make capital, even if they have taken it. It was simply a narrative of events from day to day.

In the evening after the post had gone the mutessarif wished to see me again for a final chat. I went with the pastor, and found him at the telegraph office. He said he had just received a telegram from the vali, at Conia, acknowledging his report of efficient work here, but asking for a telegram from me certifying to the same thing. I replied, "If the vali has confidence in you he needs nothing from me, and of course he has confidence in you or he would not have sent you here." He still urged. I answered that the legation had not asked me to give it information on such matters, and having responsibility in the settlement of the case I must respectfully decline. He asked if I would not telegraph to the vali, would I not telegraph in that sense to Mr. Dwight. I said I would not. He then asked if I would not send my salutations to the vali and let him add that I would have given the expenses of the house had I been at liberty to do so. I replied, "You may give just the answer that I wrote; I have good reason for declining to answer the question. As for the salutation to the vali, I am not personally known to him that I should send him salutations." Was not that a polite reply? The truth is, my patience was about exhausted.

Just before going to see the mutessarif a report reached me indirectly from the president of the municipality saying that he would object to our rebuilding unless I give the bond not to hold worship or conduct a school in it. I mentioned the matter to the mutessarif, and he said, "Send him to me." In the night the man who brought me the word was called out from his bed and his testimony was taken in due form. This morning early the president of the municipality called upon me and was full of good wishes, and assured me that we could begin at once on the building, nothing further being necessary. I suggested that he give me the statement in official form since his position might change and his successor might not understand the case. This he promised to do.

The Greek bishop has come to-day. What he will try to do remains to be seen. He will have but little influence over the better class of the people.

Slight shocks of earthquake have continued every day now for about two weeks. The Mohammedans have proclaimed a fast of three days, with the Koran to be read in seven places in the city.

September 6.—My nerves are all on tension this morning in consequence of a row in the next house—women screaming and wailing, boys yelling and howling, a Greek priest present, and two zabties at the door. I learn that in the night the government sent off five men who had been in prison for trial elsewhere. It was a wise move to send them in the night. Now that the news has come, the family adjoining, from whose window the ashes were thrown into my window, are just wild. The man, Adi Guzel by name, has been proved to have uttered serious threats to induce our landlady to put us out of the house, etc. I do pity them all so much. My heart forgives them all, but justice must take its course.

The police seem to be keeping a close watch over us. I do not now fear danger. What will be the effect of this deportation of the criminals remains to be seen. I was just now about to send a word of caution to the government, when I learned that two policemen are sitting in the door below us. As we came home from meeting last evening we found two policemen ready to go along near us as far as our house.

It is very difficult to get any reliable testimony here in our case. Men are unwilling to testify for fear of revenge. For example, a man was one day reading his Bible in his shop. He was an Armenian, not a Protestant. Another Armenian came along and said "Give me that book, that I may burn it." On his refusing, the man said that they were going to take all the books of the Protestants and burn them in the churchyard, and added that because he would not give it up his life ought to be taken. The owner of the Bible related all these facts to four men, and they all testified to the same before the government. But when the man himself was called he declared that he knew nothing of it. This shows how difficult it is to get reliable testimony. Yet it is said that the man who used threats in this case is one of those who have been taken away for trial.

I hear now and then that the sensible ones express great regret at what has occurred, calling themselves "boors" for having done it.

The Turkish shops are closed and the Turks are out by a fountain praying for protection from the earthquake.

Thanks again to Mr. Newberry for his prompt and efficient action.

Mr. Foster to Mr. Newberry.

No. 391.] DEPARTMENT OF STATE,
Washington, September 29, 1892.

SIR: I have received your No. 536 of the 7th instant, in regard to the seizure of Bibles by the authorities at Alachan, and their refusal to permit the colporteur of the American Bible Society to transact his business.

The Department approves the efforts you have made to secure the release of the Bibles and to prevent the further molestation of the colporteur.

From the postscript of September 8 I am inclined to hope that your renewed representations to the grand vizier will have proved effectual. Should this not be the case, you should again appeal for the execution of the promises made, and state to the Government of the Porte or to the grand vizier the painful impression these repeated breaches of pledged faith must necessarily awaken in the United States.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Newberry.

No. 394.] DEPARTMENT OF STATE,
Washington, September 30, 1892.

SIR: I have received your No. 544 of the 15th instant, concerning the interference with the Bible Society agents at Alachan.

It is gratifying to note that the trouble there has been satisfactorily adjusted. This result is in accordance with the probable solution of the incident intimated in your No. 536, to which I replied on the 29th instant.

I am, etc., JOHN W. FOSTER.

Mr. Newberry to Mr. Foster.

No. 559.] LEGATION OF THE UNITED STATES,
Constantinople, October 1, 1892. (Received October 17.)

SIR: Referring to my dispatch No. 547, in the matter of the seizure of Bibles at Geybizé, I beg to inform you that the Bibles have been returned to the society's agent. I inclose copy of Mr. Bowen's letter to me on the subject.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 559.]

Mr. Bowen to Mr. Newberry.

AMERICAN BIBLE HOUSE, LEVANT AGENCY,
Constantinople, September 30, 1892.

DEAR Mr. NEWBERRY: I have to-day received intelligence from Geybizé that the books had been given up on the 26th. I am sorry to add that the governor there, in the very act of restoring them, tried to worry a gift out of our man, I suppose in consideration of the favor shown in hindering his business. They are a set of rascals. My man did not give the bribe.

Again thanking you, I remain, yours, etc.,

M. BOWEN.

Mr. Newberry to Mr. Foster.

No. 565.] LEGATION OF THE UNITED STATES,
Constantinople, October 8, 1892. (Received October 27.)

SIR: For your information I beg to inclose herewith copy of a note to the minister of foreign affairs requesting information as to the punishment of the five men arrested in connection with the burning of Mr. Bartlett's house at Bourdour, and also as to the reprimand, if any, imposed upon Turkish officials at that place.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 565.]

Mr. Newberry to Said Pacha.

No. 126.] LEGATION OF THE UNITED STATES,
Constantinople, October 10, 1892.

EXCELLENCY: I am instructed to request of Your Excellency information as to the final disposition of the five men arrested and imprisoned for the burning of the house of the American missionary Bartlett. If these men are not yet brought to trial I should be pleased to know the time and place of their trial and the nature of the charges to be brought against them.

I am also instructed to request information as to whether or no any Turkish officials of Bourdour have been reprimanded, having in mind specially the governor of Bourdour, the chief of police, and the president of the municipality, on account of whose negative actions in some cases and open hostility in others, encouraged certain people in Bourdour to commit various outrages against the person and property of Bartlett. I should be pleased to have a reply to this as soon as possible.

Permit me, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Foster to Mr. Newberry.

No. 402.] DEPARTMENT OF STATE,
Washington, October 14, 1892.

SIR: I have received your No. 547 of the 26th ultimo. It concerns the seizure of Bibles at Geybizé, a town within the limits of the vilayet of Constantinople and your efforts with the grand vizier to effect their release.

The Department patiently awaits the result of that officer's telegram directing the return of the Bibles and ordering future noninterference in such case.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Newberry.

No. 404.] DEPARTMENT OF STATE,
Washington, October 15, 1892.

SIR: I have received your No. 551 of the 27th ultimo in relation to the case of Dr. Bartlett at Bourdour.

I have read with interest the copied passage from Dr. Bartlett's journal, that accompanied your dispatch, and have been agreeably im-

pressed by the apparent good disposition and business-like methods of the mutessarif of Isbarta, who, in the main, seems to have materially aided toward Dr. Bartlett's protection and presumably toward the final adjustment of the incidents.

I am, etc.,

JOHN W. FOSTER.

Mr. Newberry to Mr. Foster.

No. 572.] LEGATION OF THE UNITED STATES,
Constantinople, October 19, 1892. (Received November 10.)

SIR: I inclose herewith, for your information, copy of a letter from Mr. Dwight to me, also copy of a letter from Mr. W. W. Mead to Mr. Dwight, giving in detail the facts of an interference with Mr. Mead by the Turkish authorities of Hajin. When I called upon the grand vizier in regard to the matter he showed no hesitancy in expressing his opinion that where we had no consul Turkish authorities had the undoubted right to search the persons and property of anyone, and to seize any book, papers, etc., they saw fit, and at any time and place. I have sent no note to the Porte on this matter, feeling it would be better to obtain your views in this and other like cases.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 572.]

Mr. Mead to Mr. Dwight.

HAJIN, *October 4, 1892.*

DEAR MR. DWIGHT: Before you receive this letter you will doubtless have been informed from our own or from the British legation of the trouble we got into with the government on our arrival here Saturday, October 4. Mrs. Coffing desired me to be on hand at the opening of the school yesterday, fearing that the government would interfere with the opening of the school, as it is reported they had often said or intended that they would do.

At the same time it was necessary for me to accompany Mr. and Mrs. Martin, formerly of the St. Paul's Institute, in Tarsus, to Hajin, to which they have been designated to work under the American Board.

There being no pack horses in Adana at this season at any reasonable price, I had ordered twenty animals two weeks before to come from Hajin and be on hand in Adana to take them and all their goods. There were nineteen loads in all, including all their furniture, books, etc., and my own load of food for the road, bed, and clothing.

As our loads entered Hajin they were seized by a zaptiye and taken to the serai yard and unloaded, the whole nineteen loads. We had been in the house (Mrs. C's) only five or ten minutes when word came of the seizure. I hastened to the Serai and went directly to the Kaimakan vekil and asked the reason for the seizure. He said he was under orders to examine everything that came into the city. I asked him to show me the order. He said he was under no obligation to show it and declined to do so. I protested against the seizure, that he had no right to detain or search our boxes; that I was an American subject, and that the things in my boxes I had had ever since I came into the vilayet four years ago. I informed him that Mr. Martin was a British subject, had been living two years in the vilayet, and was coming to Hajin to live and had a right to bring his furniture, clothing, and books without being searched, particularly as all boxes coming into the country have to pass through the custom-house, where they are examined. He asked if all our things had the stamp—*damgha*—of the government on them showing that they had been inspected and approved. I said that no such official stamp was necessary, inasmuch as it had never before been asked for or even mentioned. He insisted that

it was necessary and that he would have to search everything. I told him that if he wanted to arouse the American and British governments against him, and wished to subject himself and the government to the disgrace that would surely follow such indignities to American and English subjects, to *bouyour;* and he *bouyoured.* My boxes were brought in and opened, and every article in each was examined. The pockets of clothing were ransacked for any scrap of writing or of printed paper, my Bibles, hymn-books, note books, accounts, copy of estimates for 1893, letters, private and others. I had three letters for natives in Hajin, and I was compelled to empty my pockets, and all the personal letters in them were taken away from me. Afterwards my Bibles, hymn-book, and note-book were given back. Everything else was kept and are still in their hands. Oh, yes; my passport was handed back after examining. They demanded a teskéré, but I insisted that none was needed for traveling within the vilayet. I then went home for lunch.

Mr. Martin in the meantime was at the mission house. After lunch we both went down, and after a few unavailing protests stood by to watch them opening the boxes and ransacking everything. Every book, letter, and newspaper, pamphlet, and magazine was taken and thrown down on the floor of an abominably dirty room, helter-skelter. Newspapers used to wrap around articles to keep them clean or from being scratched or lost were taken off and put with the other things to be examined and read later. Everything in the way of correspondence was taken—letter-press, copybooks, and the private letters of Mr. and Mrs. Martin, dating back for years, were all thrown into the pile. Mr. Martin took up one package of letters from the pile and asked if that might not be permitted to pass, explaining that they were his wife's letters to him before their marriage. "No; there might be something in them!"

Finally, we thought it best not to open any more boxes containing books so far as could be helped; but inasmuch as nearly every box contained some few books, letters, magazines, or papers, they insisted on tumbling everything over whether anything was found or not. Of course there was a crowd around the box all the time. The boxes filled wholly, or nearly so, with books were left in their hands unopened until they should write to Sis or to Adana for orders, or until we (as we hoped) should get a telegram to the legations, especially the British legation, which would lead to their instant release and so possibly escape being opened at all, for it is not to be conceived that many would not be lost and others shamefully handled, for they handle books about as gently as they would a bar of pig iron.

In one box they came upon a Remington typewriter. They opened their eyes at that, had it taken up to the room of the vekil (who by the way is *mal mudiri* here), and then gathered around and had it opened. Mr. Martin put in a piece of paper and struck off a couple of lines of letters at random. They examined it with surprise, made notes on the paper, wrote the English name, called it a hand writing press, which I lost no time in denying. This typewriter they also kept as a dangerous thing. It was told us that from remarks made by some of them that they expected to find powder and weapons in the boxes. And many things go to show that they had been informed from Adana of the suspicious character of the boxes and ordered to make examination.

Mr. Martin's servant was asked for his teskéré. He had none, but produced a Noufous Kyaghada, in which it appeared that he was a Kharpootlu. He was imprisoned, and by furnishing security we were able to get him out for the night. The next morning the servant went down to see about it, according to orders, when they again put him in the prison, where he remained all day. As soon as we heard of it we went down with Pastor Sarkis Devirian and were working over the case all the afternoon. But in the end we were told that there was no use trying because they were going to send him to Kharpoot. We demanded them to give the reason. They refused to say why they were sending him, but said they had their reasons. But while talking with them everything indicated that his only offense in their eyes was in his being from Kharpoot, that they were under orders to send all Karpootlus back to their home to prevent their escape to America, and they showed the pastor an order to that effect. Being a Kharpootlu is a crime, *imish.* A muleteer from that place who had for years plied between Kharpoot and Adana was arrested as he was entering Adana a day or two ago (I am now writing in Mersine, October 8). He was taken from his loads and carried back to Kharpoot, his animals being left in Adana. A similar case occurred one month ago. Any one from Kharpoot must be on his way to America, and is therefore a criminal.

There was some hope that the servant might be released the next morning, either through the influence of the kadua or by the giving of money, for Mr. Martin in a strange place can not afford to be without a servant.

But how long must we be subjected to these things? I hope our chargé d'affaires there will see that a severe chastisement is meted out. Mr. Martin demands damages for injuries to his things.

I have seen Mr. Keun, our consular agent, and Mr. Christmann, the British vice consul, and they will act in concert and demand of vali that the boxes and other

things be given up without futher examination. The authorities in Hajin wrote to Adana for a man to come who could read English. There is a set of the Encyclopædia Brittanica, among his books, and he fears for these.

I fear particularly lest this and Dr. Pettibone's matter in Adana shall not be visited with penalties sufficiently heavy, and that we shall have to suffer from time to time such things.

I wish the dismissal of the mudir, of the mearif, in Adana, and the chief of police could be instantly deposed, for it is quite likely that they are to blame for the recent outrage in Hajin. The mal mudiri and the mulazim (sometimes they call him *yuz-bachi*) in Hajin ought to be made to smart for it. The condition of the people in Hajin is truly pitiable, owing to the abominable misrule of the government there.

Please stir the embassies up to act unitedly to get a stirging tekder for these offenders.

With kind remembrances, etc.,

W. W. MEAD.

[Inclosure 2 in No. 572.]

Mr. Dwight to Mr. Newberry.

BIBLE HOUSE, CONSTANTINOPLE, *October 8, 1892.*

DEAR SIR: You will remember that in the month of August of the present year the entry of Turkish officials without warrant into the American mission house at Adana and the seizure by them of books and papers which were the personal property of American citizens of respectability and good moral character was the subject of a request on my part to yourself. I then pointed out that the violation of treaties involved in this infraction of domicile appeared to me to call for strong remonstrances and the punishment of the officials who had taken the liberty to thus attack the security of American citizens residing in Turkey.

I regret to say that the authorities of the same province of Adana have now repeated this unlawful act in seizing nineteen boxes containing the personal effects of two missionaries of the American Board on their arrival at Hadjin, and the removal therefrom of all their books, papers, documents, letters, notebooks, etc., which have been retained for examination by the authorities at such time as they can find some one who knows English enough to read the papers.

Messrs. Read and Martyn, who suffered from this outrage, arrived at Hajin from Adana on the 1st of October, and their goods were at once seized without any pretense of any chargo against them, and merely in order to see what they might have in the way of writings in their boxes and on their persons (their pockets were also searched). In short, the Turkish authorities claimed to do to them, because they were traveling from one house to another in the same province, what they would not venture to claim to do without gross violation of treaty obligations to the same men and the same articles of property in their house of abode. Or, to put the matter another way, if the authorities may search the private papers of an American whom they meet in the open country, the treaty which prohibits this indignity to Americans residing in the country becomes null in its reference to the domicile also.

It is, in my view, absolutely essential for the safety of Americans in all the land, that this outrage, following so soon upon another of the same nature in the same province, and associated with others of a similar nature in other parts of the country, should be made the subject of serious demands upon the Porte which will make an example of the petty officials who have applied the treatment due to highway robbers to honorable men, through their inability to understand either the obligation of the treaties or the claims of decency.

I should add that of the sufferers by this aggression, Mr. Mead is an American citizen, but Mr. Martyn, while also a missionary of the American Board, is a British subject from Canada.

Yours very truly,

HENRY O. DWIGHT.

Mr. Newberry to Mr. Foster.

No. 575.] LEGATION OF THE UNITED STATES,
Constantinople, October 19, 1892. (Received November 10.)

SIR: I regret being again obliged to chronicle a further attack on Mr. Bartlett and American mission property at Afion Kara-Hissar

Sahib, better known as Kara Hissar. A full statement of the case, covering the period from August 1 to October 10, will be found in the inclosure hereto.

Mr. Dwight has been in possession of these facts for some time, but hoped the promises of the mutessarif as to proper protection would be carried out, and thus keep the matter out of a diplomatic channel. The receipt of Bartlett's telegram yesterday brought out the whole story. The telegram was as follows (translation from Turkish): "There is much danger to our lives." It showed conclusively that protection was not being given.

I called at once on the grand vizier, who, the moment Bartlett was spoken, referred to him in an undisguised, ugly way, saying that he must certainly be to blame and that he hoped I would order him out of the country; that he knew the people of Kara Hissar well, it being his native town, etc. I told him I must insist upon immediate telegraphic orders being sent to protect Bartlett and his property, and that I did not care to report to my Government a second Bourdour incident. "Tell your Government what you please, but also tell them that Bartlett had better be told something too." I could see no way to talk the matter over with him in a rational way, and in a diplomatic way [he] practically dismissed me from his room.

I felt called upon to send you a partial cipher cable, as follows:

Daily outrages against Bartlett and daughter, existing since October 1, at Kara Hissar, large town 80 miles from Bourdour, consisting of stone and mob attacks on house. Promised protection not given. Grand vizier ugly; blames Bartlett; wants him expelled. Bartlett wires, "There is much danger to our lives." Missionaries here feel situation growing worse daily. Legation receiving daily complaints gross interference other places. I urgently ask substantial backing my repeated protests.

NEWBERRY.

For comments on this case I ask permission to refer you to my No. 576, of this date.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 575.]

Mr. Dwight to Mr. Newberry.

BIBLE HOUSE, *Constantinople, October 18, 1892.*

DEAR SIR: The city of Afion Kara Hissar, in the province of Brousa, and about 100 miles north of Bourdour, containing about 30,000 inhabitants, has been the seat of a branch of our mission since 1874. We have had a primary school there for fifteen years and have kept an agent there for the sale of our books, who has also held religious services in his house, rented by the American mission for his residence, a congregation of from 40 to 50 attending on Sunday his simple expositions of the Bible and the religious worship connected therewith. Neither the Government nor the people of the town have ever shown bitter feeling toward our people there until recently.

The superintendence of our agency in Kara Hissar is with the Rev. Messrs. Bartlett, MacNaughton, and MacLachlan, missionaries of the American board in the district of Smyrna, and they visit the city once or twice in each year, spending some weeks there at each visit.

At about the same time as the effervescence of fanaticism against our missionary at Bourdour during the past summer, the Armenians of Afion Kara Hissar began to stone the house rented by our mission and occupied by Mr. Yeranian, an Ottoman subject, who is our agent in that city. The outburst of ferocity was so sudden and

so unusual that it may be deemed due to some cause as yet not discovered, corresponding—not in time but in source—with the outbreak at Bourdour. Beginning early in August, the house rented by the mission has been stoned every night, and men known to be Protestant have been attacked and beaten, and have been overwhelmed with exorbitant taxes laid upon them avowedly because they are Protestants, and amounting to three or four fold the amount laid upon those who are not Protestants. The Sunday religious worship of the Protestants, conducted by Mr. Yeranian, has been repeatedly disturbed by rowdies on one occasion, in September, a band of men with drums and horns stationing themselves in the street in front of the house and keeping up such a din during the whole time that those assembled within could not hear a word of the service.

This state of affairs was so extraordinary and so unlawful, according to the simplest principles of the Ottoman Government, that the missionaries in Smyrna decided to go to Kara Hissar and learn the cause of the troubles and remove them. Mr. Bartlett, an old and experienced missionary, was selected for the visit, and he went there from Bourdour, arriving at Kara Hissar on the 1st of October, taking up his abode in the house rented by the mission, before alluded to. He called on the mutasserif and also upon the leading Armenian priest of the city, being received politely by both, and being assured that no harm was intended to any of the interests of the mission.

On the first night after their arrival the room occupied by Miss Bartlett as a sleeping room was vigorously stoned. The precaution of protecting the windows by wire netting had been taken, and no harm was done. Two nights later, while Mr. Bartlett was sitting in his own room, on the other side of the house, a large stone was thrown at the window, breaking it in and scattering the fragments all over the room. The mutessarif, being appealed to, promised protection, but again, on the night of the 6th, the house was freely stoned, evidently from neighboring roofs.

The mutessarif called on Mr. Bartlett the next morning and witnessed the damage caused by the stoning. He gave the most earnest assurances that nothing more of the sort should occur. I mentioned none of these things to you at the time because there was good reason to believe that the mutessarif would protect Mr. Bartlett without outside pressure.

But a letter received to-day from Mr. Bartlett, dated the 10th of October, says that the mutessarif has not carried out his promise; that the house is stoned daily, and that on the 9th, while Mr. Bartlett was engaged in worship with a few friends, in his room, about forty Armenian boys assembled in the street outside and stoned the house continuously for two hours and a half, hooting and yelling in such a way as to break up the service. A postscript, added on the 13th, says that the mutessarif again promised protection and arrested a number of the offenders, but that the persons arrested boasted that the Armenian influence was strong enough to protect them. In fact they were immediately released by the mutessarif, on the request of a leading Armenian of the city.

A telegram sent to me, with answer prepaid, on the tenth day, by Mr. Bartlett, was suppressed by the governor (mutessarif).

To-day I received a telegram from Mr. Bartlett, dated the 15th, in the following words: "We are not safe here. Last night it was attempted to force an entrance into our house to the extent that the door was broken in. We are being calumniated."

I explain the last phrase of this telegram by the fact that, according to Mr. Bartlett's letters, the popular heart was being excited by false stories about the Protestants, and that one of these stories, to the effect that Mr. Bartlett's agent had declared in a public place that the Virgin Mary was an immoral woman, had been taken up by the mutessarif, and Mr. Yeranian has been summoned to answer to this false and impossible charge.

You will see, I think, that in this state of things, allowed to continue unchecked by the mutessarif, we have the elements of another affair more serious, perhaps, than that at Bourdour. In all the three interviews which Mr. Bartlett has had with the mutessarif, abundant promises have been made, but the real ruler of the place is not the mutessarif, but a wealthy Armenian named Yeshia Effendi Oshul Oghlou. What he says must be done is done, and he says no one shall be molested for attacking Mr. Bartlett or any other Protestant in Kara Hissar. The fact of the suppression by the mutessarif of Mr. Bartlett's telegram to me of the 10th, and his taking up so eagerly the preposterous story that Mr. Yeranian made such a declaration about the Virgin Mary show me that he is not inclined to accord to Mr. Bartlett the protection which is due of any man as quiet and well controlled, and wise as he. The blind excitement so actively fostered by Chinese methods in Kara Hissar is not a thing to be played with.

It appears to me that a request to the Porte simply to order the mutessarif of Kara Hissar to secure Mr. Bartlett from these attacks and to see that he is not molested in his worship by people who have no interest in it, will suffice. The

mutessarif has it in his power to enforce the laws if he is only made to see that he must do so. All that is necessary is that the Porte say to him peremptorily that these lawless acts must stop, and they will stop. Unless they are stopped they will certainly lead up to some catastrophe, for Mr. Bartlett will not leave Kara Hissar until he can be assured that his friends there and his house there are safe from unlawful aggression.

I need not add that Mr. Bartlett's knowledge of the proprieties is fortified by his mild and thoroughly kind temperament. He has not and he will not be found trenching upon the rights of any, offending the legitimate susceptibility of any, or attacking in private or in public the religious belief of any. He is a missionary, and he has a right to live in Kara Hissar as many days or weeks as he chooses, and to watch over the interests of the little school there, and to teach the use and meaning of the Bible to any who choose to visit him for the purpose of learning. In this right I doubt not that the representative of our Government will see that he is protected.

Very respectfully,

HENRY O. DWIGHT.

Mr. Newberry to Mr. Foster.

No. 579.] LEGATION OF THE UNITED STATES,
Constantinople, October 19, 1892. (Received November 10.)

SIR: With further reference to your No. 386 and my No. 565, concerning the five men arrested in Bourdour in connection with the burning of Mr. Bartlett's house, and as to what action, if any, has been taken by the Turkish authorities to properly reprimand any officials found negligent as connected with the Bourdour incident, I beg to inclose herewith copy of a note received from Said Pacha, from which it will be seen that nothing practical has been done.

I also inclose copy of a letter to the United States consul at Smyrna to report, if possible, the trial of these men. It would be instructive to have the testimony on file in the legation.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 579.]

Said Pasha to Mr. Newberry.

SUBLIME PORTE, *October 15, 1892.*

In reply to your note to me of the 10th instant, No. 126, I hasten to inform you that the five individuals arrested in connection with the burning of Mr. Bartlett's house at Bourdour have been sent for trial before a competent tribunal at Smyrna, the result of which will be transmitted to you.

As to the authorities who may have been negligent in this affair, an inquiry is now being carried on with the view of establishing their responsibility.

[Inclosure 2 in No. 579.]

Mr. Newberry to the United States consul at Smyrna.

LEGATION OF THE UNITED STATES,
Constantinople, October 19, 1892.

SIR: I am in receipt of a note from the minister of foreign affairs of Turkey, saying that the five men arrested at Bourdour in connection with the burning of Mr. Bartlett's house at that place have been taken to Smyrna, and will undergo their trial there. I should be most pleased to obtain, if possible, the testimony presented to the court, if it can be done without inconvenience to yourself, or any expense.

I beg to remain, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberry to Mr. Foster.

No. 580.] LEGATION OF THE UNITED STATES,
Constantinople, October 19, 1892. (Received November 10.)

SIR: For your information I have the honor to inclose herewith copy of my note to the minister for foreign affairs, regarding the closing in 1891 of the American mission school at Agantz.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

[Inclosure in No. 580.]

Mr. Newberry to Said Pasha.

No. 131.] LEGATION OF THE UNITED STATES,
Constantinople, October 19, 1892.

EXCELLENCY: I beg to call your urgent attention to the failure of the Turkish authorities of the province of Van to give effect to the orders for the reopening of the American school at Agantz, in the district of Arjish, province of Van.

The following is a brief review of the case as it now stands:

This school is one of the long-established primary schools of the mission, was closed in 1887 at the request of certain Armenian notables of the village, was reopened, after some discussion, upon its being shown that the books and course of study conformed to the programme authorized by the board of public instruction in Van, and was arbitrarily closed again by order of the governor-general of Van early in 1891, on the claim that, even authorized, the school could not be held in any building not purposely set apart for the purpose by Imperial firman. In June of this year the grand vizier informed me that he had sent orders to have school reopened. Up to the present time the authorities at Van declare that they have received no such orders, and refuse to allow the school to be reopened.

Since the sole reason recognized by the law and also by the agreement between this legation and the Sublime Porte justifying the closure of an American school is refusal to conform to the requirements of the department of public instruction in reference to the choice of teachers, books, and course of study, and since even a new school may be opened upon the sole condition of conformity to those requirements, and since this school long ago (in 1885) conformed to these requirements, I should be pleased to be informed by your excellency why the orders of the grand vizier have not been carried out. I should also be pleased to receive from you an official communication authorizing the reopening of this school.

Permit me to reiterate, etc.,

H. R. NEWBERRY.

Mr. Wharton to Mr. Newberry.

[Telegram.]

WASHINGTON, *October 20, 1892.*

Insist upon full protection for Bartlett and other persons complaining of interference.

WHARTON.

Mr. Newberry to Mr. Foster.

No. 585.] LEGATION OF THE UNITED STATES,
Constantinople, October 25, 1892. (Received November 14.)

SIR: I beg to inform you that Bartlett has evidently left Kara Hissar. A telegram I sent him on Saturday has been returned here with the information that Bartlett has left that place. A short letter to

Dr. Dwight, dated the 18th, says the authorities have finally moved, and have arrested the ringleader in the attack on his house and sent him to Constantinople. The petty insults and persecutions, however, towards the converts of the mission still keep up, and I can see no way to offer them protection.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Newberry to Mr. Foster.

No. 592.] LEGATION OF THE UNITED STATES,
Constantinople, November 3, 1892. (Received November 22.)

SIR: It appears that the authorities are earnestly taking the necessary steps to bring to justice and punishment the five men arrested at Bourdour for the complicity in the burning of Mr. Bartlett's house. On several occasions of late I have urged the grand vizier to punish in some fitting way the mutessarif (governor) of Bourdour for his gross negligence in that affair, as there was no doubt but that under-officials at that place were only echoing the sentiments of their chief. I learn with satisfaction to-day that the grand vizier had dismissed the governor for inefficiency, and appointed in his place an Ottoman Turkish subject, one Arrif Bey, who for several years has been employed in the public censor's office. This gentleman is well known to the legation as an educated and enlightened man, and we look for no more trouble in the Bourdour quarter. I immediately called in person upon the grand vizier and expressed the thanks of our Government for his highness' action. At the same time he promised a full investigation for the late trouble at Kara Hissar, and assured me that all guilty ones would be punished. The ringleader of the Kara Hissar mob has been imprisoned here in Constantinople. Mr. Bartlett does not wish any further trouble over the matter, as he thinks everything will be quiet.

I have, etc.,

H. R. NEWBERRY,
Chargé d'Affaires ad interim.

Mr. Foster to Mr. Newberry.

No. 421.] DEPARTMENT OF STATE,
Washington, November 16, 1892.

SIR: I transmit for your files a copy of a letter of Mr. Gillespie, of the board of foreign missions of the Presbyterian Church, New York, embodying resolutions appreciative of Mr. Hirsch, late minister of the United States at Constantinople.

I am, etc.,

JOHN W. FOSTER.

[Inclosure in No. 421.]

Mr. Gillespie to Mr. Foster.

NEW YORK, *November 11, 1892.*

MY DEAR SIR: It gives me pleasure, under direction of the Board of Foreign Missions of the Presbyterian Church in the United States of America, to forward you a copy of a minute adopted at its session on the 7th instant. It is as follows:

"*Resolved*, That the Board of Foreign Missions of the Presbyterian Church in the United States of America, recognizing the eminent services of Hon. Solomon Hirsch, United States minister at Constantinople, extends to Mr. Hirsch the assurance of its high appreciation of his diplomatic labors in supporting the rights of American citizens in the Turkish Empire, and especially of the exact and full knowledge attained by him of the missionary work carried on by this board and of the faithful and energetic efforts put forth by him to secure the rights guaranteed to our missionaries by treaties with the Sublime Porte.

"*Resolved further*, That a copy of this action be transmitted by the recording secretary to the Department of State at Washington."

In behalf of the board:

JNO. GILLESPIE,
Recording Secretary.

Mr. Foster to Mr. Thompson.

No. 3.] DEPARTMENT OF STATE,
Washington, November 29, 1892.

SIR: The question of paramount importance in the relations of the United States with the Ottoman Empire is, succinctly, the status of Americans in Turkey, with all which that implies in the various phases and conditions of life.

In order that you may obtain a general knowledge of the subject and of the position assumed and maintained by the Government of the United States, I beg to refer you to the diplomatic correspondence between the State Department and the representatives of the United States at the Ottoman Porte.

The difficulties which have arisen are, as you will observe, connected for the most part with missionaries, teachers, and professional men, rather than with merchants and casual travelers; and it has been the policy of the United States at all times to exercise especial care for the interests of a class of men whose labors are devoted to the well-being of their fellow men, and whose lives are characterized by a spirit of self-abnegation and self-sacrifice. The status of Americans in Turkey necessarily differs widely from that established in other European countries, whose religion, laws, and civilization are analogous to our own. It is rather the outcome of immemorial usage which has grown out of the policy of the Byzantine Empire and its successor, the Ottoman Empire, towards foreigners within its dominions. The number of these has always been considerable, and their usefulness to the Empire even in greater ratio than their numbers. The Turks have ever been a warlike people, while the husbandmen of their vast Empire, the artisans, merchants, and traders, have for the most part been foreigners belonging to organized non-Mussulman communities following their own laws and customs from the time of their former independence. The Government has therefore been confronted with two alternatives. Either in strict obedience to the tenets of the Mussulman religion, which classes all of the persons not of the faith of Islam as enemies and as unclean, to expel or exterminate all foreigners, or, as the welfare of the Empire required, to exercise a policy of tolerance towards

the foreigners whose skill and industry were such essential factors of its prosperity. There have thus grown up in Turkey *imperia in imperio*—distinct races governed by their own laws and following their own religion.

This tolerance, born of necessity, has in the main been consistently observed; but, as was inevitable, the exclusive tendencies of an established faith and the intolerance of the laws, so intimately allied in Mussulman countries with religion, have frequently found vent in isolated instances, violating the principles of tolerance generally prevailing. The utmost vigilence is consequently necessary on the part of the representatives of foreign nations in order to maintain the rights and privileges of their subjects resident in Turkey intact, and in cases of necessity to secure redress for their infringement.

The status of foreigners in Turkey depending, as I have observed, on ancient usage, while not clearly defined, is to a certain extent determined by the capitulations or treaties between the Porte and various nations. The earliest of these, with the Italian republics, Genoa and Venice, was concluded in 1453. The most important are those concluded by France in 1740 and by England at various times from 1675 to 1809, which are in force at the present day and which have served as a model for the succeeding treaties with other nations. As these various capitulations acted rather to recognize and confirm existing rights than to create especial privileges, it was inevitable that in the course of centuries the policy of autonomous extraterritoriality should be expanded, and that rights and privileges, born of the inherent prerogatives of non-Mussulmans and acquiesced in by long and continuous usage, should become vested rights, sanctioned by the Ottoman power and indefeasible by any act of the Turkish sovereign. It may, thus, not always be practicable to point to the origin of any particular privilege in a solemn covenant, or in a special grant or recognition thereof at any particular time. They have become massed into a concrete assemblage of rights, not readily admitting of classification or definition but constituting a body of laws and customs resting on usage and having for their fundamental principle the incontrovertible inheritance of non-Mussulmans under Mussulman rule to the fullest autonomy in all that separates them from the Moslem faith and code.

In 1856 the important firmen known as the Hattie Hunayoun sought to generalize the concessions of extraterritoriality in the various capitulations and the privileges and rights of aliens which had grown inseparably upon the ancient conventions. Even this broad generalization proving insufficient to cover the whole ground of alien right, a still ampler declaration was embodied in the treaty of Berlin, July 13, 1878, as follows:

ARTICLE LXXII. The Sublime Porte having expressed the intention to maintain the principle of religious liberty and give it the widest scope, the contracting parties take notice of this spontaneous declaration.

In no part of the Ottoman Empire shall difference of religion be alleged against any person as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public employments, functions and honors, or the exercise of the various professions and industries.

All persons shall be admitted, without distinction of religion, to give evidence before the tribunals.

The freedom and outward exercise of all forms of worship are assured to all, and no hindrance shall be offered either to the hierarchical organizations of the various communions or to their relations with their spiritual chiefs.

Ecclesiastics, pilgrims, and monks of all nationalities traveling in Turkey in Europe, or in Turkey in Asia, shall enjoy the same rights, advantages, and privileges.

The right of official protection by the diplomatic and consular agents of the powers in Turkey is recognized both as regards the above-mentioned persons and their religious, charitable and other establishments in the holy places and elsewhere.

The tendency is thus seen to have been toward generalization from the details of the capitulations to a wider recognition of the inalienable rights and prerogatives of non-Mussulmans and aliens in Turkey, as developed by a slow but steady process of accretion and consolidation, continuing to the present day, and not, in the nature of things, admitting of arrest or reversal.

Your careful examination of the history and details of the several capitulations, and of the diplomatic correspondence between the State Department and the legation at Constantinople, and especially of the instructions sent by Mr. Bayard to Mr. Straus, April 20, 1887, and by Mr. Blaine to your immediate predecessor, December 14, 1891, will afford you a comprehensive view of the nature and extent of the questions which most frequently arise.

Perhaps the most important is the alleged conversion of private dwellings into churches or schools. This has not only been the subject of complaint by the Turkish Government, but in the remoter parts of the Empire has led to violations of domicile and personal aggressions against missionaries, teachers, and pupils. Freedom of worship for Americans in Turkey is one of the most definitely established rights, not only under the capitulations and treaties—the provisions of which extend to Americans by virtue of the most-favored-nation treatment—but by constant usage and the continued protection of American missions in Turkey, with their hospitals and schools, in which Turkish patients are received and Turkish children instructed.

The only difficulty which can possibly arise, therefore, is the alleged conversion of private dwellings into churches and schools, and this scarcely seems a tangible one. The right of Americans in Turkey to hold religious services or classes of instruction in their private dwellings, to which their family and friends may be invited and to which such subjects of Turkey as desire may come, is undeniable; and the right of public worship, or teaching, in churches or schoolhouses, for which licenses or permits have been obtained from the Turkish authorities, is equally so. These rights are so distinct, that in the exercise of them the line of demarcation ought readily to be drawn. Any attempt on the part of the Porte to establish an arbitrary criterion, such as that the exercise of the indefeasible right of worship in a private dwelling converts it into a church or temple, can not be admitted by this Government. Nor can the prohibition to use property, legitimately purchased by an American, for school purposes be acquiesced in.

It appears to be a characteristic of Turkish policy to seek to limit foreign rights and privileges in detail, and to wear away, by the slow process of erosion, what it may not overcome by power. The opposition to the domiciliary rights of aliens oftenest takes this course. Overlooking the initial fact that the temples, the schools, the shops, and the private dwellings of foreigners are alike lawful, petty requirements are injected, and licenses to build and repair are refused or indefinitely delayed on mere pretexts which it is hard to regard seriously. Thus, in a recent instance, the local authorities at Alexandretta stopped for a time the building of storage sheds for exported products demanding a bond with Turkish sureties that the premises should never be used for a church or school—a demand which was promptly contested and did not prevail. To yield the point of right, even in so extreme a case as this where the nature and use of the proposed structure afforded a self-

evident assurance which could hardly have been fortified by any contractual pledge, would have established a precedent to be widened in its application as the disposition of the authorities might prompt fresh encroachments. We can not be a consenting party to any insidious curtailment of our laboriously acquired rights.

Another question which has recently occasioned controversy arises from the action of Turkish officials in arbitrarily examining the baggage, personal effects, and correspondence of Americans without any adequate reason or even excuse further than that some sort of conspiracy was supposed to exist among Armenians against the Ottoman rule. The pursuance of such a course under the alleged conditions is clearly unjustifiable. Such a system of investigation could only rationally be carried on when the country or district has by public decree been placed under martial law. Mere suspicions of a conspiracy among native subjects can in no sense form sufficient ground for violating personal privileges and property of foreigners during a time of peace.

In several recent instances, our citizens peaceably traveling from one point to another, under regular and formal *teskereh* (travel permit), have suffered the indignity of arrest and search, their books and papers being taken from them for so-called "examination." It would be a mere quibble, a trifling with the rights of the alien, to pretend, as the local authorities seem in some cases to have attempted, that this is not such a domiciliary search as the capitulations contemplate and permit only on lawful process and after notification to the consul charged with the resident's protection. The rights of domicile spring from and are but a material manifestation of the rights of the individual—the one can not be respected and the other assailed.

While various other questions and difficulties have arisen and are likely to arise in the future, it is impossible to do more in this instruction than to indicate the general principles which may guide you in your intercourse with the Ottoman Empire.

A very important and useful feature of the status of foreigners in Turkey is the solidarity among them. Foreigners have for centuries been classed under the generic name of Franks. Their rights and privileges are analogous, and the protection of the representatives of one great power has been not infrequently extended to the citizens resident in Turkey of another. The files of your legation will afford many instances of recourse to the good offices of British consuls in Turkish dominions for the protection of our citizens in quarters where no consular representation of the United States has been established. This friendly aid is cheerfully given whenever sought. The exercise of such protection is an inherent Frankish right, and resort to Frankish protection is in like manner the prerogative of every Frank. Indeed, the rule in Turkey recognizes the right of any Frank to be enrolled in the protected list of any Frankish consulate, whether of his own nationality or not.

In conclusion, it is proper to observe that the relations between the Ottoman Empire and the United States have uniformly been marked by a spirit of courtesy and friendship. The isolated acts of injustice which occur are in the remoter parts of the empire, and are usually due to the ignorance or intolerance of subordinate and local functionaries.

This Government is not unmindful, in the light of the occurrences of the past ten years, that the good disposition exhibited at Constantinople, where the high officers of the Ottoman Porte are in immediate touch with foreign representation and more fully cognizant of the scope

of alien rights in Turkey, has too often been antagonized by the narrow action of the local officials in some remote province. The desire of the Sultan's ministers to recognize our rights and the rights of our citizens has been too often shown to admit of doubt; but on the other hand the obstructive opposition of some provincial *vali* or municipal authority has only too often withstood the peremptory orders of the central power. Recognizing this, it is for the Ottoman Government to make its supreme will respected by its servants. Failure to assure promised redress through domestic channels can but cast disrepute upon the efficiency of His Majesty's power, and even, in extreme cases, might warrant impugnment of the good faith of the Turkish Government, besides giving to an aggrieved state the right to enforce reparation by fitting means as fully as though the refusal of justice were the act of the sovereign power. The recent Bourdour incident is, however, a happy augury of a better future in this regard, and is in most agreeable contrast with the frequent cases of nonfulfillment of promised amends which are recorded in the legation's correspondence. It is proper that I should here express the gratification with which the President has learned of the proceedings taken against the assailants of Dr. Bartlett and the replacement of the incompetent *vali* by a man of well-known enlightenment and national reputation.

A courteous and firm attitude toward the central Government will secure redress for any infringement of the rights of Americans in Turkey and the maintenance of cordial personal relations with the foreign office will conduce directly and indirectly to the advantage and welfare of your fellow-citizens.

I am, etc.,

JOHN W. FOSTER.

Mr. Foster to Mr. Newberry.

No. 425.] DEPARTMENT OF STATE,
Washington, December 5, 1892.

SIR: Your No. 572 of October 19 reports the correspondence had with Mr. Henry O. Dwight concerning the action of the Turkish authorities in interfering with Mr. W. W. Mead by detaining nineteen mule-loads of furniture and personal effects at Hajin, and searching the property and persons of Mr. Mead and his companions, taking all books and papers of every description for examination.

Your discretion in referring the case to the Department for instructions is commended.

The frequent detention and search of American citizens, either at their homes or when lawfully journeying from one point to another in Turkish dominions, occasion much concern to this Government, as being acts of interference with the liberty of the citizen, alike repugnant to treaty rights and the vested rights of non-Mussulmans under capitulations and usage, and to the principles of international comity.

The general instructions to Mr. Thompson, the newly-appointed minister to Turkey, before his departure for his post, give especial heed to this phase of Ottoman interference with the individual rights of foreigners. Having in mind the statement of your No. 572 that the grand vizir in his interviews with you had shown "no hesitancy in expressing his opinion that where we had no consul, Turkish authorities had

the undoubted right to search the persons and property of anyone, and to seize any book, paper, etc., they saw fit, and at any time and place," I said to Mr. Thompson:

> It would be a mere quibble—a trifling with the rights of the alien—to pretend, as the local authorities seem in some cases to have attempted, that this is not such a domiciliary search as the capitulations contemplate and permit only on lawful process and after notification to the consul charged with the resident's protection. The rights of domicile spring from and are but a material manifestation of the rights of the individual—the one can not be respected and the other assailed.

This government can not admit that the arrest and search of American travelers rests on any different footing from the arrest and search of an American citizen in his domicile; or that the obligation on the part of the authorities to proceed according to law and treaty is limited to the place where a consular officer of the United States may reside. The jurisdiction of our consular representatives embraces the whole territory of their respective districts, and even then does not preclude our right to resort to the friendly offices of the consul of any other nation, if one be more conveniently within reach in the remoter provinces.

The interference with Mr. Mead seems to have equally extended to his associate, Mr. Martin, a British subject. This circumstance would warrant a comparison of views with the British ambassador at Constantinople, and if found expedient, resort to the good offices of the nearest British consul.

As Mr. Thompson will probably reach his post within a few days after your receipt of this instruction, and as the general subject to which this particular incident pertains has been very fully discussed in conference with Mr. Thompson and in the instructions given him, you will take no present action in Mr. Mead's case, but will draw Mr. Thompson's attention to this instruction leaving him to act upon it.

I am, etc.,

JOHN W. FOSTER.

VENEZUELA.

Mr. Scruggs to Mr. Foster.

No. 321.] LEGATION OF THE UNITED STATES,
Caracas, August 29, 1892. (Received September 7.)

SIR: On the 18th instant I received a telegram from Capt. Woodrick, of the American merchant steamship *Caracas*, under that date from Curacao, as follows:

Gen. Urdaneta took out of my ship six Curaçao passengers at Puerto Cabello. I protested at consulate.

I at once made known the contents of this telegram to the minister of foreign affairs, and, at his request, gave him a copy of it. To my inquiry whether Gen. Urdaneta was a Government officer the minister at first gave an evasive reply, and then stated frankly that Urdaneta's position was equivocal and that the Government had no means of controlling his actions.

I then suggested to the minister, as a means of avoiding a disagreeable question, that his Government interpose its authority in so far as it might have authority, or its good offices, in default of actual authority, for the immediate release of the passengers of the *Caracas*.

He asked for a few hours' time in which to confer with the President (Dr. Villegas), and late the same evening I received his verbal note in reply, a copy and translation of which I inclose. A copy of my reply thereto, dated the next morning, the 19th, is likewise submitted. I inclose also a copy of my supplemental note of the 22d with copies of Capt. Woodrick's letter and protest therein referred to; also a copy of Consul Hanna's communication of the 20th, of which a copy was likewise sent to the minister.

As you are aware, this country has been in a state of complete anarchy for several weeks past. There is a *de facto* government, but it has no means of making itself respected by any one of the armed factions now contending for power. As the contest continues, the parties become more and more desperate, and less disposed to respect the neutral rights of foreigners, and the time has already arrived when foreign governments will be forced to the alternative of either abandoning their citizens to the mercies of an irresponsible mob, or of taking some prompt and efficient steps for their protection.

Moved by these considerations, I cabled you on the 22d as follows:

A war vessel is needed here at once.

The mere presence of one of our naval vessels anywhere in Venezuelan waters, or even at the harbor of Curacoa, would have prevented the unfortunate incident at Puerto Cabello. As it is, we have already lost prestige; and, in the absence of a naval vessel, we may expect similar occurrences. The final outcome will be the seizure of one of our mail steamers by some one of the armed factions who may need it for trans-

porting troops between the coast ports. If I may venture a suggestion, it is far preferable to incur some little expense and inconvenience in preventing such infractions than to make futile demands upon a feeble and hopelessly bankrupt government for pecuniary indemnification.

I have, etc.,

WM. L. SCRUGGS.

[Inclosure 1, in No. 321.—Translation.]

Señor Urbaneja to Mr. Scruggs:

MINISTER OF FOREIGN AFFAIRS,
Caracas, August 18, 1892.

The minister of foreign affairs of Venezuela has the honor to salute the most excellent envoy extraordinary and minister plenipotentiary of the United States of America, and as the result of the conference which he had with this Government, relating to the question made known to your excellency by the telegram from Mr. Woodrick, captain of the American merchant steamer *Caracas*, which your excellency has verbally made known to this ministry this morning. I have the honor to state to your excellency

First. The Government, in order to take the necessary steps, requires reports from the authorities touching the intervention referred to by your excellency, likewise from the other authorities or persons whose testimony may be relevant to the case cited; these for the simple reason, as well as a natural right, that in all litigations it is not possible to accept as certain facts which require formal proof.

Second. If the acts as related by the minister, although perfectly true, had taken place in Venezuelan waters and been exercised against individuals which the Government of Venezuela considers as hostile, the regulation constantly practiced in council by common consent, principles made known in international law and followed by all the civilized countries, has been that all ships entering into our waters come under Venezuelan jurisdiction so long as they remain in said waters; and,

Thirdly. That the exception in the law cited should be made only in cases which apply to foreign armed vessels in war, or that, although being merchant vessels, they might have on board sovereigns or chiefs of foreign countries. Circumstances which should give consideration to the vessels, for the reason that they are considered as moving parts of the territory to which their flag belongs.

MANUEL CLEMENTE URBANEJA.

[Inclosure 2 in No. 321.]

Mr. Scruggs to Señor Urbaneja.

LEGATION OF THE UNITED STATES,
Caracas, August 19, 1892.

Mr. MINISTER: I have had the honor to receive your excellency's verbal note of yesterday's date, touching the subject of our personal conference of that morning. In that conference I made known to your excellency that six passengers on the American steamship *Caracas* had been seized and taken from her decks at Puerto Cabello by a local military commander, and assuming that these passengers had embarked at one foreign port and were bound for another, I suggested their immediate release as the simplest solution of what might otherwise become a grave diplomatic question. To that suggestion your excellency replies, in the note under acknowledgement, claiming the legal right of the Venezuelan Government to perform the identical act complained of.

This places me under the necessity of referring the matter to my Government; but pending the receipt of instructions on the subject, it is proper that I should say I am wholly unable to agree with your excellency as to the legality of the point thus raised.

Publicists are generally agreed that private vessels of a nation, as contradistinguished from its war vessels, are, on entering the ports of another nation, not exempt from local jurisdiction. But this rule is not absolute and unlimited. It is subject to very important qualifications, both general and special. The vessels of a nation on the high seas are commonly spoken of as a part of its territory, and this character is not destroyed by their entrance into the port of another nation, although by such entrance they may, to a great extent, also become subject to another jurisdiction.

A ship, though at anchor in a foreign port, preserves its jurisdiction and its laws. The vessels of a nation are considered part of its territory, though at sea, as the state retains its jurisdiction over them; and according to the commonly received custom, this jurisdiction is presumed over the vessels, even in parts of the sea subject to a foreign dominion. It is true that the jurisdiction of a nation over its vessels while lying in the port of another is not necessarily exclusive. Nobody pretends that it is. For unlawful acts done by such vessels while thus lying in port, and for all contracts entered into while there by her master or owners, she and they must, doubtless, be answerable to the laws of the place. Nor, if her master or crew, while on board in such port, break the peace of the community by the commission of crimes, can exemption be claimed for them. But, nevertheless, the law of nations, and the statutes of commercial powers founded on that law, show that enlightened nations, in modern times, do clearly hold that the jurisdiction and laws of a nation accompany her ships, not only over the high seas, but into ports and harbors, or wherever else they may be water-borne for the general purpose of governing and regulating the rights, duties, and obligations of those on board thereof, and that, to the extent of the exercise of this jurisdiction, they are considered as parts of the territory of the nation herself.

These general principles seem to me to be too well established to be any longer matters of controversy, and hence the friendly suggestions made by me at the informal conference referred to.

I improve the opportunity, etc.,

WM. L. SCRUGGS.

[Inclosure 3 in No. 321.]

Capt. Woodrick to Mr. Scruggs.

CURACAO, *August 18, 1892.*

SIR: Whilst loading at Puerto Cabello on the 17th instant, a commissioner of Gen. Urdaneta came on board to ask me to deliver over to the police Jacinto Lopez, Dr. P. Febres Codero, Francisco M. Casas, Antonio Salinas, M. Lopez, and Manuel Ramos, passengers from La Guayra to Curacas and Maracaibo, who had embarked at La Guayra with their custom-house permit in order. I refused to do so and Gen. Urdaneta then sent on board several policemen to take them away.

The passengers at first tried to hide, but finally decided not to make any resistance, which would have been to no avail, and went on shore escorted by the police, who took them over to the jail at the port.

I protested at the consulate, as per inclosed copy, and sent you this morning a cable thus:

"SCRUGGS, *American Minister, Caracas,*

"General Urdaneta took out of my ship six Curacao passengers at Puerto Cabello.

"Capt. WOODRICK."

I have, etc.,

WM. WOODRICK,
Captain Steamship Caracas.

[Inclosure 4 in No. 321.]

Protest of Capt. Woodrick.

Know all men by these presents that I, Capt. Wm. Woodrick, of steamship *Caracas*, of Wilmington, Del., United States of America, having sailed from La Guayra on the 16th of August, bound for Puerto Cabello and Curacao, with the following passengers: Jacinto Lopez, Dr. P. Febres Cordero, Francisco M. Casas, Antonio Salinas, M. Lopez, and Manuel Ramos, and on the arrival of said steamship *Caracas* in the port of Puerto Cabello, about 4 o'clock p. m., the authorities of Puerto Cabello boarded the said steamship *Caracas* and arrested the above-mentioned passengers and prevented them from proceeding further on their voyage. They having paid their passages and complied with all the requirements of the laws of Venezuela and regulations of said steamship *Caracas*.

Therefore, I, Wm. Woodrick, captain of this steamship *Caracas*, on board of same, do hereby most solemnly enter my protest against the arrest and removal of said passengers from this ship.

Given under my hand this 17th day of August, 1892.

WM. WOODRICK.

[Inclosure 4 in No. 321.]

Mr. Hanna to Mr. Scruggs.

No. 10.] CONSULATE OF THE UNITED STATES,
La Guayra, August 20, 1892.

SIR: Complying with your instruction No. 21, dated August 19, instant, I have the honor to report that on the return of the steamship *Caracas* to this port, I saw the master and other officers of the ship and obtained the following facts concerning the case to which your instruction refers. Capt. Woodrick, the master of the above named ship, said that while they were at Puerto Cabello receiving their cargo for New York, the chief of the civil, under orders from Gen. Urdaneta, came onto the ship and told Capt. Woodrick that there were certain passengers on board the ship which he wanted, and whom he had orders to arrest. The captain informed him that such persons had paid their fare and had taken passage on an American ship, under the protection of the American flag, and were bound for Curacao; that he could not give them up. The chief of the civil then said he would take them by force, and thereupon entered the part of the ship where the passengers were and began to take them. Some of them hid away in their rooms or in other parts of the ship, but the chief found them and took them from the ship by force, in spite of the protest of the master of the ship; six passengers, bound from La Guayra to Curacao, were taken. The master and other officers of the ship certified to the above facts. I am informed that all of the six passengers had regular tickets, and had "permits" to leave La Guayra for Curacao.

Capt. Woodrick informed me that he had sent you a statement of the case by mail, and Mr. H. L. Boulton said that he would see you on the subject.

I have, etc.,

PHILIP C. HANNA,
Consul.

Mr. Adee to Mr. Scruggs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 29, 1892.

Mr. Adee requests a full report on the attack alleged to have been made on the consul of the United States at Ciudad Bolivar, and his being wounded, and informs him that, with a view to protecting American interests generally, a war vessel has been ordered to proceed to La Guayra without delay.

Mr. Adee to Mr. Scruggs.

No. 278.] DEPARTMENT OF STATE,
Washington, August 30, 1892.

SIR: Upon the receipt of your telegram of the 22d instant, asking that a vessel of the U. S. Navy be dispatched forthwith to La Guayra, I communicated copy thereof to the Secretary of the Navy.

Pending arrangments to dispatch a vessel, the arrival of the mail steamer *Caracas* on the 26th brought dispatches from your legation and our consuls throwing light upon the urgency of your request.

In regard to the reported taking of six passengers from the steamer *Caracas*, at Puerto Cabello, by order of Gen. Urdaneta, the Department awaits full particulars of the occurrence before giving you positive instructions.

I am, sir, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Mr. Scruggs.

No. 279.] DEPARTMENT OF STATE,
Washington, August 30, 1892.

SIR: Referring to my instruction No. 278, of this day's date, and in particular to that portion in regard to the reported taking of passengers from the *Caracas*, I inclose herewith for your information copy of a letter from Messrs. Boulton, Bliss & Dallett, of New York, giving some particulars of the occurrence and communicating the formal protest of Capt. Woodrick, of the *Caracas*.

You will observe the statement that the passengers in question "had left La Guayra with the full knowledge and consent of the recognized Government of Venezuela."

I am, sir, etc.,

ALVEY A. ADEE,
Acting Secretary.

[Inclosure in No. 279.]

Messrs. Boulton, Bliss & Dallett to Mr. Foster.

RED "D" LINE OF STEAMSHIPS,
(Boulton, Bliss & Dallett, general managers),
135 Front street, New York, August 26, 1892. (Received August 27.)

SIR: We beg to report the following occurrence:

Our steamship *Caracas*, which sailed from La Guayra on Tuesday, the 16th, with a number of passengers bound for Puerto Cabello and Curaçao, arrived at Puerto Cabello the following morning.

On the afternoon of that day an official came on board from Gen. Urdaneta, who was in control of the port, to demand the surrender of six of the passengers who were destined to Curaçao.

As they had left La Guayra with the full knowledge and consent of the recognized Government of Venezuela, and were not charged with any crime, Capt. Woodrick declined to surrender them. The official then stated that, if necessary, force would be used, and sent on board of the ship a number of officers provided with revolvers who, in spite of the protest of Capt. Woodrick, took the passengers on shore, where they were detained.

On arrival at Curaçao the next morning, Capt. Woodrick cabled the facts of the case to the United States minister at Caracas. Inclosed you will please find a copy of the protest noted by Capt. Woodrick.

As the *Caracas* is an American vessel, we presume it is our duty to report the occurrence to you for such action, if any, you may deem proper.

We have the honor, etc.,

BOULTON, BLISS & DALLETT.

Know all men by these presents, that I, Capt. Wm. Woodrick, of steamship *Caracas*, of Wilmington, Del., United States of America, having sailed from La Guayra on the 16th of August bound for Puerto Cabello and Curaçao with the following passengers: Jacinto Lopez, Dr. P. Febres Cordevo, Francisco M. Casas, Antonio Salinas, M. Lopez, and Manuel Rama, and on the arrival of said steamship *Caracas* in the port of Puerto Cabello about 4 o'clock p. m., the authorities of Puerto Cabello boarded the said steamship *Caracas* and arrested the above-mentioned passengers and prevented them from proceeding further on their voyage; they having paid their passage and complied with all the requirements of the laws of Venezuela and regulations of said steamship *Caracas*.

Therefore I, William Woodrick, captain of this steamship *Caracas*, on board of same, do hereby most solemnly enter my protest against the arrest and removal of said passengers from this ship.

Given under my hand this the 17th day of August, 1892.

WM. WOODRICK.

UNITED STATES CONSULATE,
Puerto Cabello, August 17, 1892.

I, William G. Riley, consul of the United States at Puerto Cabello, do hereby certify that the signature of William Woodrick at the foot of the paper hereunto annexed is his true and genuine signature, made and acknowledged in my presence, and that the said William Woodrick is personally known to me.

In witness whereof, I have hereunto set my hand and affixed the seal of the consulate at Puerto Cabello, this day and year next above written, and of the Independence of the United States the one hundred and seventeenth.

[SEAL.]

WILLIAM G. RILEY,
United States Consul.

Mr. Scruggs to Mr. Foster.

No. 325.] LEGATION OF THE UNITED STATES,
Caracas, September 7, 1892. (Received September 19.)

SIR: Messrs. H. L. Boulton & Co., of this city, agents of the American line of steamers, known as the "Red D," which ply regularly between New York and the Venezuelan ports via Curaçao, have, upon several occasions during the present civil war, been applied to by one or the other of the several factions contending for power for use of their steamers out of their regular itinerary. In a note of the 31st instant, a copy of which I inclose, the agents referred the matter to me.

In my reply of the same date, a copy of which is likewise submitted, I advised them to uniformly, but courteously, refuse all such service, as the surest method of preserving the neutral character of their vessels and of avoiding troublesome questions.

I am, etc.,

WM. L. SCRUGGS.

[Inclosure 1 in 325.]

Messrs. Boulton & Co. to Mr. Scruggs.

CARACAS, *August 31, 1892.*

SIR: As agents of and shareholders in the American line of steamers, known as "The Red D Line," we have on different occasions been asked by one or other of the two military factions now at war in this country for the service of our steamers, and especially for that of the auxiliary steamer, the *Merida*, and fearing that such service may prejudice the neutrality of the line, as well as our own, and affect moreover the postal contract we are under with the Government of the United States for carrying the mail between the two countries, we take the liberty of applying to you, with the object of asking the favor of your opinion and advice on these all important points, as we are naturally desirous of doing no act that may compromise the steamers, as American vessels, or as the property of the Red D Line, or in anywise endanger our neutrality, or failing in the performance of the postal contract of the Red D Line with the American Government.

At the same time we are anxious at all times to prove to the authorities of this country, whether legitimate or revolutionary, whenever the services of the steamers may be applied for, that we are not acting from caprice or as partisans of this or that side in our refusal to comply with their wish.

We shall feel particularly obliged if you will favor us at your earliest convenience with an answer to this note, and thanking you beforehand for your courtesy,

We remain, etc.,

H. L. BOULTON & CO.

[Inclosure 2 in No, 325.]

Mr. Scruggs to Messrs. Boulton & Co.

LEGATION OF THE UNITED STATES,
Caracas, August 31, 1892.

GENTLEMEN: Replying to your courteous note of this date, I have to say that the ships of the Red D Line, being registered American vessels, entitled to all the privileges and immunities as such, and being besides under contract with the United States Government for carrying the mails, can not be chartered or otherwise used by any one of the factions now contending for power in Venezuela, without manifest prejudice to their neutral character and to the interests of the United States. It is hoped, therefore, that you will courteously but firmly refuse to allow them to be so used.

I am, etc.,

WM. L. SCRUGGS.

Mr. Scruggs to Mr. Foster.

No. 326.] LEGATION OF THE UNITED STATES,
Caracas, September 7, 1892. (Received September 19.)

SIR: On the 31st ultimo I received from the Venezuelan ministry of foreign affairs a verbal note, dated the 26th, transmitting a copy of an executive decree of the last-named date, closing the ports of Ciudad Bolivar and Puerto Cabello. Copies and translations are inclosed herewith.

Each of my colleagues of the other legations received a similar note, most of whom, I believe, attach so little importance to it as to refuse to even transmit it to their respective governments; while none of them regard it as being anything more than a mere *brutum fulmen* of an important faction against its rival, who is now, and has been for weeks past, in actual possession of the ports named.

I have, etc.,

WM. L. SCRUGGS.

[Inclosure 1 in No. 326.—Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Caracas, August 26, 1892.

The minister of foreign affairs of the United States of Venezuela salutes the most excellent minister plenipotentiary of the United States of America, with this object of remitting herewith No. 5627, of the "Official Gazette," of this same date, wherein is inserted the executive decree by which are suppressed the custom-houses of the ports of Ciudad Bolivar (State of Bolivar) and of Puerto Cabello (State of Carabobo).

Manuel Clemente Urbaneje improves this opportunity, etc.

[Inclosure 2 in No. 326.—Translation.]

PRESIDENCY OF THE REPULIC.

Doctor Guillermo Tell Villegas, Constitutional President of the Republic.

In view of the perturbations occurred in the State of Bolivar and Carabobo, and in exercise of the authority vested in me by Article 3 of the legislative decree of May 17, 1873.

Decree:

Article 1. The custom-houses established in the ports of Ciudad Bolivar (State of Bolivar) and in Puerto Cabello (State of Carabobo) are suppressed; the commerce of importation and export to foreign ports with said custom-houses cease in fact, as also the coasting trade therewith.

Article 2. The trade imports and exports of Ciudad Bolivar have to be made through the port of Guanta (State of Bermudez) and the trade imports and exports of Puerto Cabello have to be made through the port of La Guayra (State of Miranda).

Article 3. Every vessel bound to the ports of the Orinoco River or to Puerto Cabello, will be detained by the Government ships cruising at the mouths of said river and at the entrance of the bay of Puerto Cabello, and will be conducted to the nearest qualified port, to proceed with its cargo in conformity with the dispositions of the Codigo de Hacienda, and other laws that regulate the commerce of foreign origin or coasting trade.

Article 4. The authority of the foregoing article will take effect fifteen days after the publication of this decree in the "Official Gazette," for ships hailing from the Antilles; thirty days after for ships hailing from the United States of America, and forty-five days after for those hailing from Europe.

Article 5. After the terms, conceded in favor of the importers, shall have become due, said ships will be considered as smugglers, persecuted and captured as such and conducted to the nearest qualified port, there to be tried in accordance with the ruling fiscal laws.

Article 6. The national or foreign vessels, armed for war by the insurgents, in the Orinoco or in its contiguity, or in the bay of Puerto Cabello or its contiguity, will be considered pirates, and as such will be persecuted and captured till brought to the power of the nearest competent tribunal.

Article 7. The ministers of foreign affairs and of Hacienda are charged with the execution of this decree and with transmitting it to the diplomatic and consular bodies of this city, to the consuls of the republic abroad, and other authorities to whom it may concern.

Given under my hand, sealed with the seal of the national executive and countersigned by the ministers of foreign affairs and hacienda, in the federal palace of Caracas, the 26th day of August, 1892, twenty-ninth year of the law and thirty-fourth of the federation.

GUILLERMO TELL VILLEGAS.

Countersigned:
The Minister of Foreign Affairs,
MANUEL CLEMENTE URBANEJA.
Countersigned:
LORENZO ADRIAN ARREAZA.

Mr. Foster to Mr. Scruggs.

No. 283.] DEPARTMENT OF STATE,
Washington, September 8, 1892.

SIR: Since the Department's instruction, No. 278 of the 30th ultimo, was sent to you in care of the commander of the U. S. S. *Concord*, the anarchic condition of Venezuela and the prevalence of acts of lawlessness affecting the persons and interests of foreigners have rendered it expedient to dispatch another ship of war to that quarter, and the *Kearsarge*, which was on service in the waters of Haiti and Jamaica, has been ordered by telegraph to proceed with all possible dispatch to La Guayra, to coöperate with the *Concord* for the necessary protection of the persons and interests of citizens of the United States in that quarter.

In addition to this, the *Philadelphia*, now at New York, has been relieved from the detail to which she had been assigned, and is under orders to sail for La Guayra, to serve as flagship of the squadron on the Venezuelan coast, should events so require.

The latest information that reaches the Department through unofficial channels, indicates the eventual success of the revolutionary party led by Gen. Crespo, and it is trusted that order in some shape may speedily be restored, and a responsible government be in *de facto* and efficient control of the power and authority of the State.

Through the same unofficial channels the Department learns that, as late as the 30th ultimo, when the *Venezuela's* mail left La Guayra,

there were in that port war vessels of Germany, France and Spain, while an English and a Dutch man-of-war were expected to arrive there on the 1st instant. This circumstance does not entirely tally with the somewhat excited application of the diplomatic body at Caracas communicated by the unsigned telegram received here in the legation cipher and which it is supposed was transmitted by you.

The German, French and Spanish men-of-war are stated to have shown a most commendable readiness in case of need to prevent arbitrary interference with the movements of the mail steamers in port, and the arrival of the *Concord* and *Kearsarge* will doubtless suffice for the further security of any vessels under our flag.

As communication by cable with La Guayra and Caracas appears to be open, the Department awaits advices from you of any changes in the political situation calling for precise instructions. For the present, and by way of anticipation, I can only say that in the event of a *de facto* government being established possessing a reasonable ability to administer the national affairs, you may forthwith enter into provisional relations therewith, leaving any question of formal recognition to await the restoration of authority and order with a reasonable promise of stability.

You will keep in communication with the commanders of the *Kearsarge* and *Concord*, advising them of any information you may have that will suffice to guide them in the discharge of the duties to which they have been assigned under the order they have received from the Secretary of the Navy.

I am, sir,

JOHN W. FOSTER.

Mr. Foster to Mr. Scruggs.

No. 284.] DEPARTMENT OF STATE,
Washington, September 8, 1892.

SIR: I have received your dispatch, No. 321, of the 29th ultimo, in relation to the taking of six passengers from the United States mail steamer *Caracas*, in the port of Puerto Cabello, by the insurgent commander, Gen. Urdaneta, on the 17th ultimo.

Your action in the premises and your note of the 19th ultimo to Dr. Urbaneja, then minister for foreign affairs, seem in the main to have been discreet and proper. It is observed that your note follows, in general outline, the precedents of the recent Barrundia episode in Guatemala, so far as they appeared to you to be applicable to the present case. There are, however, certain changed conditions in the Puerto Cabello incident which should be borne in mind in any future proceedings.

The relation of Gen. Urdaneta to the party at the time in power, at Caracas, is not clearly understood, but it is believed to have been one of independent insurrection in the interest of the establishment of a so-called western league of five Venezuelan States. Having gained temporary possession of Puerto Cabello, he seems to have made use of his arbitrary military power to invade a foreign mail steamer in transit and to remove, by force, certain passengers who had lawfully embarked at another port of Venezuela, and against whom no lawful charge existed.

It would be impossible for this Government to acquiesce in the arbitrary and forcible violation of its flag by a merely military power, without due and regular warrant of law and in conformity with the ordinary course of justice, even though such force were exercised by the titular and responsible government of the country with which this Government maintains friendly relations. The defiance of international rights and the hostile violation of the flag are more conspicuously indefensible, from every point of view, when committed by an irresponsible military chief, representing no recognized government and using brute force in furtherance of an insurrectionary movement.

If the situation is correctly apprehended here there is no room for any discussion with the responsible Government of Venezuela touching the question of right. The question of might is not open to discussion under any circumstances.

The Department is informed through unofficial channels, that having quitted Puerto Cabello for the purpose of attacking La Guayra, Urdaneta, on learning that Puerto Cabello had in the meantime been taken by a lieutenant of Gen. Crespo, returned the next morning to Puerto Cabello, and, without trying to retake the city, went alongside the fort at the entrance to the port and took off all the men and ammunition there. It is supposed that he at the same time took off the six passengers whom he had taken from the *Caracas* and imprisoned in that fort. From Puerto Cabello, Urdaneta is reported to have sailed to La Vela de Coro, which he was unable to capture, and at last reports was returning to Maracaibo, which was still in possession of his lieutenants. It is presumed to be his design to make a stand at Maracaibo against the forces of Gen. Crespo, or whoever may succeed in the eastern States of Venezuela.

Should the six passengers still be held by Urdaneta, the commanders of the United States war ships would be fully warranted in demanding their unconditional surrender, and, if refused, in backing up the demand by all necessary force.

Should they, however, in the shifting fortunes of war, fall into the hands of any faction opposed to Urdaneta, and still be held prisoners, it is probable that the right of this Government to have them replaced under its flag would be promptly and cheerfully recognized upon request. This presumption would amount to full assurance should they be repossessed by a responsible national authority, and in such case you will ask their return.

The commanders of the United States naval vessels will be furnished with a copy of this instruction, and will govern themselves accordingly.

I am, etc.,

JOHN W. FOSTER.

Mr. Scruggs to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Caracas, September 24, 1892. (Received September 24.)

Mr. Scruggs reports that the situation remains unchanged, nothing new having occurred, and transmits a request of the Government of Venezuela that the steamer *South Portland*, laden with munitions of war in New York, be prevented from entering Puerto Cabello by the naval forces of the United States.

Mr. Foster to Mr. Scruggs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 24, 1892.

South Portland case fully investigated by Federal courts, New York, and released. Can not interfere.

FOSTER.

Mr. Foster to Mr. Scruggs.

No. 287.] DEPARTMENT OF STATE,
Washington, September 24, 1892.

SIR: I have received your dispatch No. 326, of the 8th instant, transmitting a copy of executive decree of August 26, purporting to close the ports of Ciudad Bolivar and Puerto Cabello to commerce by declaring the custom-houses there to be "suppressed."

Your comments indicate that you have formed a just opinion of the ineffectiveness of such a measure under existing circumstances.

Quite recently, on the occasion of a similar measure being decreed by the Government of Honduras, purporting to close the custom-house at Trujillo and La Ceiba, which were at the time in full possession of insurgent forces, I instructed Mr. Pacheco as follows:

Should this measure apply to any ports of which insurgents may gain possession, it would of course involve the question of blockade of ports held by insurgents, as in Chile during the late revolution.

The closure of domestic ports actually occupied and administered by the titular government, is in itself an extreme measure, working in many cases hardship to foreign commerce; but is entitled to respect so long as it may be duly enforced by adequate means.

I am, etc.,

JOHN W. FOSTER.

Mr. Scruggs to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Caracas, September 27, 1892. (Received September 28.)

Venezuelan Government requests me to ask whether, in case *Portland* cleared for Trinidad, but proceeded to Puerto Cabello direct, our naval forces can interfere, as desired, in support of court's decision and strict neutrality.

SCRUGGS.

Mr. Scruggs to Mr. Foster.

No. 336.] LEGATION OF THE UNITED STATES,
Caracas, September 27, 1892. (Received October 6.)

SIR: Late in the evening of the 23d instant Dr. Urbaneja, minister of foreign affairs for the Pulido Government, called at my residence to say that he had just learned that the *South Portland*, laden with munitions of war for the revolutionists, had left New York for Puerto Ca-

bello. He said her entrance would be a violation of the neutrality hitherto preserved by the United States, and expressed the hope that I would instruct our naval force, then in Venezuelan waters, to prevent it.

I said I had no official information whatever on the subject, but that I had understood, from unofficial sources, the case of the *Portland* had been referred to the courts, in which event there could be no interference except in execution of the decision unless, indeed, the vessel had escaped before trial. In the event last named, both the Admiral and myself would have been so notified from Washington; but, as neither of us had received such notice, the probabilities were that the *Portland* had left New York in accordance with the decision rendered.

He then asked me if I would not cable you a request by his Government that the vessel be prevented from entering at Puerto Cabello.

I said I would do so, after consulting the Admiral, who would be at my house next morning, but that he must put his request in writing.

He returned an hour later with the memorandum, copy, and translation of which I inclose, and after consultation with Admiral Walker next morning (the 24th) I cabled you. Your telegram, in reply, received by me on the morning of the 25th.

The minister of foreign affairs, to whom I read your telegram, said he thought it not unlikely the decision of the court had been disregarded by the *Portland*, in that, whilst she ostensibly cleared for Trinidad, her real destination was Puerto Cabello direct. He asked me to telegraph you in this sense, and to inquire whether, in such case, our naval force could not interfere, as desired by his Government, in vindication of the court's decision and in the maintenance of our strict neutrality.

I pointed out that the mere exportation of arms and munitions of war from the United States had never been held an offense against our neutrality laws; that as all the belligerents in Venezuela enjoyed this right equally, none of them could justly complain; that his Government had the right, under the law of nations, to seize contraband of war on its transit to the enemy, and we would not be likely to complain, should this right be exercised in a legitimate and proper manner: but that, as neutrals, we could hardly be expected to employ our naval force to make the blockade of Puerto Cabello effective, nor to police the high seas in the interest of one belligerent against another.

He still insisted that I would, as a favor to him, send you, at his expense, the cablegram of the 27th instant.

I have advised Admiral Walker, now at La Guayra, of the contents of this dispatch, and furnished him copies of the telegrams to which it relates.

I have, etc.,

WILLIAM L. SCRUGGS.

[Inclosure in No. 336.—Translation.]

Memorandum.

The Government of Venezuela knows that the steamer *South Portland*, which by the efforts of the Venezuelan minister at Washington was detained in New York, has finally departed thence for Puerto Cabello, carrying munitions of war, and asks your excellency to order the commanders of your war ships anchored at La Guayra to repair to Puerto Cabello to prevent the entrance of the revolutionary steamer, and defend the neutrality which the United States should observe.

The Venezuelan Government would be pained should your excellency not do it justice in the premises.

Received September 23, at 8:30 p. m.

Mr. Scruggs to Mr. Foster.

No. 337.] LEGATION OF THE UNITED STATES.
Caracas, September 28, 1892. (Received October 6.)

SIR: Recurring to the subject of my No. 321, of the 29th ultimo, and of your instruction No. 284, of the 8th instant, I now inclose, in copy and translation, what purports to be a public disavowal by the Venezuelan Government of the act of Gen. Urdaneta in forcibly taking the six passengers from the American merchant steamer *Caracas*, while in the harbor of Puerto Cabello, on the 17th ultimo.

Urdaneta is still understood to be at Maracaibo, notwithstanding the report, current some days ago, that he had fled to Haiti, and it is now reported here that he will be in Caracas soon.

I have, etc.,

WILLIAM L. SCRUGGS.

[Inclosure in No. 337.—Translation.]

Clipping from La Opinion Nacional.

UNITED STATES OF VENEZUELA—MINISTRY OF THE INTERIOR.
POLITICAL DEPARTMENT,
Caracas, September 17, 1892. (29 and 34.)

Resolved, It has become known to this ministry that on the 17th of August last there were taken from the American mail steamer *Caracas*, anchored at Puerto Cabello, Messrs. Jacinto Lopez, Dr. P. Febres Cordero, Francisco M. Casas, Antonio Salinas, M. Lopez, and Manuel Ramos, each of whom had passports duly signed for Curaçao, and as the arrest was executed without orders from the National Executive, officials in all parts of the Republic are hereby directed to give to the above-mentioned citizens, wherever they may find them, every necessary facility to continue on their journey uninterrupted.

Let it be known and published.

For the National Executive.

J. M. GARCIA GOMEZ.

Mr. Foster to Mr. Scruggs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 29, 1892.

No precedent for action requested. In view of action of courts can not give instruction desired.

FOSTER.

Mr. Foster to Mr. Scruggs.

No. 292.] DEPARTMENT OF STATE,
Washington, September 30, 1892.

SIR: I have received your No. 325 of the 7th instant, inclosing copy of your letter to the agents of the Red D line, advising them to rigidly preserve the neutral character of their vessels during the present civil war in Venezuela.

The Department regards your letter as, under the circumstances, discreet. Avoidance of all interference in local conflicts is very desir-

able on the part of a mail line, although the suggested service to the titular or *de facto* authorities might not in fact infringe any statute of the United States.

For your information I inclose copy of a recent letter from the Treasury Department in regard to the effect of temporary foreign service on the American registry of a vessel.

I am, sir, etc.,

JOHN W. FOSTER.

[Inclosure in No. 292.]

Mr. Foster to Mr. Foster.

TREASURY DEPARTMENT,
Washington, September 23, 1892. (Received September 26.)

SIR: I have the honor to acknowledge the receipt of your letter, dated 21st instant, inviting my attention to a telegram from General Ponciana Leiva, President of Honduras, a part of which is reproduced below for ready reference and as a matter of record, viz:

"In order to circumvent the rebels, who had taken possession of the harbors of La Ceiba and Trujillo, I was compelled to charter the American steamer *S. Pizzati*, her captain, Henrique Pizzati, being a colonel in the Hondurean army, and put aboard of her armed troops of infantry and artillery.

"In making use of said steamer I granted her for the time being permission to fly the Hondurean flag, and she was compelled to leave Puerto Cortez, in combination with the land forces, prior to the arrival of the officiale patente or permit from the Honduras Government.

"Now Capt. Pizzati fears that the Government of the United States may order the confiscation of his steamer or subject him to a fine of some kind."

* * * * * * *

"I desire, Mr. Minister, to have your opinion in this particular and I beg of you to be kind enough to interpose your kind offices with your Government with the view of exonerating said captain from any blame in the matter."

In reply to your request for my opinion whether the action of Capt. Pizzati, as above reported, would affect the registry of his vessel, or subject it or himself to any penalty, I have to state that the case not being covered by section 4135, Revised Statute, relating to vessels "authorized to sail under a foreign flag, and to have the protection of a foreign government during the existence of the rebellion," I am advised that the circumstances stated by the President of Honduras do not cause any penalty or disability to be incurred by the vessel, her owners, or master, under the laws of the United States, and that she can continue to enjoy the use of her documents granted by the United States, notwithstanding the transactions above mentioned.

Respectfully yours,

CHARLES FOSTER,
Secretary.

Mr. Scruggs to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Caracas, October 4, 1892. (Received October 5.)

Mr. Scruggs reports that the blockade of Puerto Cabello is effected by two inefficient Venezuelan steamers which are present there at intervals, and now threaten to fire upon New York American steamers. He asks whether the naval forces of the United States should respect such a blockade, should the steamers make an attempt to enter.

Mr. Foster to Mr. Scruggs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 5, 1892.

Mr. Foster states that the blockade is made effective by the presence of blockading vessels competent to warn and prevent entrance, and that if blockade be intermitted, commercial vessels should not be prevented from entering nor protected in breaking actual blockade. He informs Mr. Scruggs that instructions in this sense will be sent to naval vessels of the United States, and directs him to advise steamers that they should not attempt to break the blockade when it is visible.

Mr. Scruggs to Mr. Foster.

No. 342.] LEGATION OF THE UNITED STATES,
Caracas, October 7, 1892. (Received October 17.)

SIR: On the evening of the 1st instant, Dr. Urbaneja, minister of foreign affairs of the Puledo government, called at this legation and in a somewhat excited manner complained of a violation of the so-called blockade of Puerto Cabello by the U. S. S. *Kearsarge*, on the 30th ultimo. He stated that when the American merchant ship *Philadelphia*, of the Red D line, approached Puerto Cabello from Curacao, as per her regular itinerary on the 30th, she was warned by the Venezuelan steamship *Mariscal de Ayachuco*, that entrance to the port was prohibited; whereupon the *Philadelphia* signalized the *Kearsarge*, which conveyed her into port.

I inquired what evidence he had that the port was really under efficient blockade. He replied that he had the statement of the commander of the blockading squadron. I asked him what was the actual force and disposition of that squadron. He said all three of the little armed vessels of Venezuela had been instructed to make the blockade effective. I enquired whether it was not probable that the little *Mariscal de Ayachucho* was at the time the only blockading force any where near Puerto Cabello; and whether she had not appeared there only on the day named, when, by the published itinerary, the *Philadelphia* was due at Puerto Cabello. He hesitated a moment and then said his government considered the blockade legal. I then suggested that he make his complaint in writing. On the evening of the 3d instant I received his memorandum on the subject, dated back to the 1st, a copy and translation of which I inclose. I inclose also a copy of my memorandum in reply, dated the 4th.

Early in the morning of the same day (the 4th), I wrote to Admiral Walker, at La Guayra, by special courier, setting forth the facts of the case, as per copy herewith inclosed; inclosing to him copies of the two memorandums, and also copies of Messrs. H. L. Boulton's letter of the 3d, and of my reply thereto.

At 3 p. m. on the same day, I cabled you. At 6 p. m. same day, I received a telephone message from La Guayra, saying the admiral would clear the *Philadelphia* for Puerto Cabello that evening.

At noon next day (the 5th) the special courier returned with Admiral Walker's reply, a copy of which I inclose, from which it will be seen that, in reality, no valid blockade had ever existed at Puerto Cabello.

Some hours later, I received from Messrs. H. L. Boulton & Co., a copy of Capt. Chamber's letter dated the 4th, which I inclose, from which it will be seen that the *Philadelphia* was not even hailed, much less warned by the *Ayachuco*.

Had I known the facts thus disclosed, I should have deemed it quite unnecessary to cable you.

At 10 o'clock a. m., on the 6th, I received your telegram of the 5th.

In this connection it is proper to add that, at no time during the present civil war, or during the special troubles at Puerto Cabello, has Consul Riley written or telegraphed me a word in relation to affairs at or near that port. I have had to depend entirely upon unofficial sources for information, and these have not been always reliable. I am utterly at a loss to account for the consul's inattention to his duties in this matter.

I have, etc.,

WILLIAM L. SCRUGGS.

[Inclosure 1 in No. 342—Translation.]

Memorandum by Señor Urbaneja.

By executive decree of the 26th of August ultimo and in conformity with article 3 of the legislative decree of the 17th of May, 1873, the custom-houses established in Ciudad Bolivar and Puerto Cabello were suppressed. By article 3 of the said executive order all vessels bound for the mouths of the Orinoco or to the Bay of Puerto Cabello were to be detained by the ships of the Government designated for that purpose and from there convoyed to the nearest port of entry thereto, for the purpose of their proceeding in conformity with the provisions of the Código de Hacienda and other laws which regulate the foreign and coasting trade. In article 3 the term of thirty days was fixed for the enforcement of the foregoing for all vessels hailing from the United States. By article 5 it was declared that after the lapse of that term all vessel which came to those ports would be considered as smugglers and would be prosecuted and punished as such and conducted to the nearest port of entry to be there judged in accordance with the fiscal laws of force. Said decree was issued by virtue of the preëxisting legislation and was sent to the diplomatic representative and consuls of foreign countries in Caracas. Up to now they have not given any answer to the Government in this particular, from which it is presumed they assent to the measure, which otherwise was not necessary if Venezuela has the rights of a sovereign nation. In view of these premises, it has greatly surprised the executive to hear the report which has reached him relative to the occurrences of yesterday between the Venezuelan war vessel *Mariscal de Ayacucho*, the frigate *Kearsarge*, and the American merchant steamer *Philadelphia*. The first one being in observation observed that the latter proceeded to Puerto Cabello, and when he wanted to approach her with the object of notifying her of the blockade of the place and the consequent prohibition to enter the same the frigate *Kearsarge* interposed herself between them to protect the entry of the *Philadelphia* and threatened with its guns the Venezuelan war vessel. If it is considered that the thirty days mentioned before have elapsed, that the *Mariscal de Ayachuco* was before the entrance of the port and was performing an act of jurisdiction, that the port was effectively blockaded and two others like her of war, and that the blockade is not only obligatory for merchant vessels, but for men-of-war, the unusual act referred to can scarcely be explained and much less justified.

It can not be excused, alleging the circumstance that the *Philadelphia* is serving the mails between Venezula and the United States; said employmnt does not exempt her from suffering the consequences to every vessel that violates a blockade, unless the great nation of the North wishes to practice with us such an unusual novelty in maritime international law.

The excuse that the blockade established over Puerto Cabello is not effective, as it is evident that the three war steamers commissioned for that purpose, although small, are in perfectly good condition, are very well armed and with a corresponding complement of crew, circumstances, all of which make them sufficient to maintain an effective blockade against any merchant vessels, and it is proved by the same act which provoked this memorandum, as only by virtue of the illegal intervention of the American war frigate, could the *Philadelphia* evade the power of the blockading squadron.

It is the opportunity to consign here, that the Government has given explicit orders to the commander of the national squadron, that in case such an act shall be repeated, to maintain by force the decorum of Venezuela, even though we recognize beforehand the weakness of our means, before nations more powerful than Venezuela, but not less than them, free, haughty and sovereign.

The Government of Venezuela, in preservation of the rights of the Republic, and in fulfillment of its duties, solemnly protests against such an act and its consequences, hoping that the most excellent minister of the United States in Venezuela may request from the commander of the *Kearsarge* an explanation of his conduct, so much so, in case if it should be repeated, it might well happen that the entry in Puerto Cabello of the ship *South Portland*, which left New York with a cargo of arms and ammunition, destined for use of the insurrectionists that are now in possession of said place, may be favored.

Lastly, the Government of Venezuela declares that it looks upon such a proceeding as a violation of the neutrality, or more, as an act of undue and violent intervention in the domestic affairs of Venezuela of the gravest character for having been an armed one, as the minister of foreign affairs has stated to Mr. Scruggs in a verbal conference of which this memorandum is a resumé.

URBANEJA.

CARACAS, *October 1, 1892.*

[Inclosure 2 in No. 342.]

Memorandum by Mr. Scruggs.

The memorandum of Dr. Urbaneja, dated the 1st instant, was not received until the evening of the 3d. It complains of a violation of the blockade of Puerto Cabello by the United States war ship *Kearsarge*.

All publicists agree that, to constitute a violation of blockade, three things must be proved: First, the existence of an actual blockade; second, knowledge of the party supposed to have offended; third, some act of violation, either by the ingress or egress, with a cargo laden after the commencement of the blockade.

With regard to the first, there must be a valid blockade; that is to say, the actual presence of a sufficient force to make the blockade effective. And this course must be continuous; the only exception being temporary absence of the blockading force produced by accident, as in case of storms. Furthermore, this force must be stationary; not a mere cruising squadron, here to-day and there to-morrow, placed near the entrance at intervals of time. Finally, mere cabinet or paper blockades have no validity whatever. In the language of the Paris Conference of 1856, "Blockades, in order to be binding, must be effectual; that is to say, maintained by a force sufficient in reality to present access."

With regard to the second point, even assuming, for the sake of argument, that the blockade is effective (which is at least open to question), there must be due notice of that fact communicated to neutral powers; and the usual, as well as best notice is when a vessel, approaching a port, or attempting to enter it, is warned off by a ship pertaining to the blockading squadron. My information is that, in the present case, no such warning has ever been given. The only notice of which I have any knowledge, is the published decree of August 26, 1892, a copy of which was duly transmitted to my Government. Speaking for myself, and solely on my own responsibility, that notice can not be held to be legal. On the very day that decree was published, and for many days thereafter, there was not even a *de facto* government in Venezuela. The President, Dr. Villegas, was a fugitive. There was no ministry. There was no one to whom the diplomatic representatives might address themselves. Complete anarchy prevailed. This state of affairs continued until late in the evening of September 3, when I received notice of the assumption of the executive by his excellency Dr. Pulido as president *ad interim*. But from the provisional government thus established no formal notice of the blockade of Puerto Cabello was received.

The third inquiry, namely, as to whether there was some act of violation, is satisfied, in the present case, by the responses to the first and second.

In conclusion, it may be superfluous to add that the United States naval force now in Venezuelan waters is here as a friend to Venezuela not to violate neutrality with respect to parties to the present unfortunate civil war, but to preserve it; not to disregard the sovereignty of Venezuela, but to respect it; that it is charged as well with the protection of the neutral rights of American commerce as with the protection of life and property of resident American citizens; and that it is under the immediate personal command of an able and experienced naval officer of high rank, who understands his rights and duties in the premises, and is prepared to maintain and fulfill them.

SCRUGGS.

CARACAS, *October 4, 1892.*

[Inclosure 3 in No. 342.]

Mr. Scruggs to Admiral Walker.

LEGATION OF THE UNITED STATES,
Caracas, October 4, 1892.

SIR: I inclose for your information a copy of a memorandum which I have received from the authorities here, and also a copy of my memorandum in reply thereto, in relation to the reputed blockade of Puerto Cabello. I inclose also a copy of a letter on the same subject from the agents of the American Red D steamers, and of my reply thereto.

My own judgment is, formed upon the best information obtainable here, that there is no real or valid blockade in the accepted or legal sense; but that, one or more of the little Venezuelan vessels make their appearance there at intervals when, by the published itinerary, one of the merchant steamers of the Red D line is expected at that port.

This, however, is a question of fact to be decided by you as the commander-in-chief of our naval forces now in Venezuelan waters; and hence before giving a definite reply to Messrs. Boulton & Co's letter, I should like your opinion as to whether there is or is not an efficient blockade of Puerto Cabello.

Should it be decided to dispatch the *Philadelphia* to Puerto Cabello on her regular itinerary, I think it would be prudent in view of the threats made to have one of our naval vessels there for her protection; and also for the protection of the incoming steamer of the Red D line.

I send you this by a special courier who will, if you desire, bring your answer.

I am, etc.,

WILLIAM L. SCRUGGS.

[Inclosure 4 in No. 342.]

Messrs. H. L. Boulton & Co. to Mr. Scruggs.

CARACAS, *October 3, 1892.*

DEAR SIR: Although Capt. Chambers has not yet reported the fact to us, we are credibly informed that on the approach of his steamer, the *Philadelphia*, of the Red D line, to Puerto Cabello, on the 30th ultimo, an attempt was made by one of the Venezuelan little gunboats to prevent her entering the harbor, but that having signaled the American war ship *Kearsarge*, then, as we are informed, anchored in the bay, she received from said man-of-war the necessary assistance to reach the port.

We have since, however, been indirectly intimated that the authorities here maintain that the blockade is now effective and that our steamers are debarred from touching at Puerto Cabello or any other port declared to be under blockade, and that should any attempt be made to disregard this intimation the steamers will be fired upon and sunk, if necessary, without any regard to interference on the part of American vessels of war or, in fact, to any ulterior consequences.

As the carrying out such a threat would entail a heavy pecuniary loss on the Red D line until such time as the Government of the United States should be able to enforce its payment by a future government of this country guiltless of the outrage, and the line in the meantime will be completely disorganized, we again take the liberty of applying to you for instructions on this all-important point, as we shall have to justify thereby to the directors the course we may in consequence have to adopt.

A written answer will therefore greatly oblige, dear sir, your very obedient servants,

H. L. BOULTON & CO.

[Inclosure 5 in No. 342.]

Mr. Scruggs to Messrs. H. L. Boulton & Co.

LEGATION OF THE UNITED STATES,
Caracas, October 4, 1892.

GENTLEMEN: I have received your letter of this date inquiring whether your steamer *Philadelphia*, of the Red D line, shall proceed on her regular itinerary to Puerto Cabello, or whether she ought to avoid that port in view of threats by the authorities here if she disregards the reputed blockade of that port.

My information, derived from unofficial sources, is that there has not been hitherto any efficient or legal blockade of Puerto Cabello; consequently my instructions to

our consuls have been uniformly to clear American merchant vessels for that port. But whether at present there is or is not an efficient blockade is a question of fact to be decided by the commander-in-chief of our naval forces now in Venezuelan waters, and hence I prefer to await his reply to my inquiry of this date before giving a more definite reply to your note. I should hear from him on the subject today or tomorrow, when I shall at once advise you of his decision.

In case it shall appear that there is no efficient blockade I shall advise you to dispatch your vessels as usual and request the admiral to send down a vessel for her protection.

I am, etc.,

WILLIAM L. SCRUGGS.

[Inclosure 6 in No. 342.]

Admiral Walker to Mr. Scruggs.

FLAGSHIP OF THE NORTH ATLANTIC STATION,
La Guayra, Venezuela, October 4, 1892.

SIR: I received by special messenger this afternoon your letter of to-day with its several inclosures.

Respecting the inquiry which you make as to the character of the blockade of Puerto Cabello by the naval force of the Venezuelan Government and the protest of the Venezuelan minister for foreign affairs against the action of the U. S. S. *Kearsarge* outside of Puerto Cabello on the 30th ultimo, I have the honor to reply as follows:

As you have already indicated to the Venezuelan cabinet, it is well understood that a blockade "to be binding must be effective," and that its character of effectiveness should be evident, not only by the presence of a sufficient naval force off the blockaded port to render the ingress or egress of vessels hazardous, but by the continual presence of such a force unless temporarily driven away by stress of weather. A blockade which is not sustained by the actual establishment or an armed force is a "paper" blockade only, and is not recognized as valid by the law or custom of nations, and if the blockading force be withdrawn voluntarily, the blockade has actually *ipso facto* been raised and new formalities are necessary for its reëstablishment.

This, as I undertand it, is the opinion of the best international publicists, and is the practice of admiralty courts.

The decree referred to by the Venezuelan minister for foreign affairs establishing a blockade of Puerto Cabello, is dated August 26, 1892. By its terms it was to go into effect on the 10th of September for vessels arriving from the Antilles, and on the 25th for vessels arriving from the United States.

Under date of September 16, Commander White, commanding the *Concord*, reported to me from Puerto Cabello in the following words: "There is no semblance of force off the port of Puerto Cabello, and so far as I am informed there never has been." The *Concord* was again in Puerto Cabello on September 21, and spent some time several miles outside of the port engaged in compass observations. While so engaged "the horizon was carefully scanned and no blockading vessels were sighted."

The U. S. S. *Kearsarge* entered and left Puerto Cabello on September 23. She returned to Puerto Cabello on September 25 and left on September 27. Nothing was seen of blockading vessels.

The steamship *Venezuela*, of the Red D line, arrived at Puerto Cabello on September 25 and sailed from that port on September 26, and suffered no molestation whatever. I have no knowledge of the presence of any vessels of the Venezuelan Government off the port of Puerto Cabello prior to September 30, twenty days and five days, respectively, after the declared blockade against the Antilles and the United States, and I have conclusive evidence that upon certain dates, between September 10 and 30, no blockading force existed. Further I am informed by Capt. Chambers, commanding the steamship *Philadelphia*, that when he sailed from Puerto Cabello for La Guayra on October 1, no Venezuelan gunboats were in sight, but that he passed one of them at a distance of 30 miles east of Puerto Cabello.

The evidence all points to the conclusion that there has been no actual blockade of Puerto Cabello prior to the expected arrival of the *Philadelphia* and that the Venezuelan Government sent its gunboats off to that port to intercept that vessel, and probably also to look out for the *South Portland*. Failing in their purpose they left the vicinity of Puerto Cabello and thereby raised the blockade, which had been only temporarily established. The blockade was therefore not "effective" until or about September 30, and was raised on the same or following day.

Regarding the action of the *Kearsarge* off Puerto Cabello, on September 30: Bearing in mind the affair of the *Caracas* when Urdaneta, a general of the *de facto* government of Venezuela, took by force out of that steamer six passengers who held

permits from his Government to leave the country, and that no actual blockade of Puerto Cabello had been established, I sent the *Kearsarge* there to protect the American mail steamer from unlawful and irregular interference from either faction. Her attitude and action on the 30th of September were proper under the circumstances and meet my approval. As a matter of fact on the occasion referred to, although one of the Venezuelan gunboats steamed toward the *Philadelphia*, she did not speak her, nor did she make any recognized signal to attract her attention. It was thought quite probable that she was looking out for the *South Portland*, and merely went near the *Philadelphia* to determine her identity.

My position, as you know, is entirely neutral. I do not incline to either of the factions which are struggling for the control of Venezuela. It is simply my duty to protect the United States flag and United States interests from annoyances and exactions which are outside of the strict and proper enforcement of belligerent rights. Touching the *South Portland*, to which the Venezuelan minister for foreign affairs refers, her case appears to me to be quite apart from that of the Red D steamers. She is alleged to be laden with munitions of war, and, if that be true, she takes the chances of any vessel engaged in contraband trade.

The Red D steamers form a regular line and no accusations of contraband trade have been made against them. The *Philadelphia* coming here from Puerto Cabello has been entered and cleared without annoyance or delay, and has sailed this evening for Puerto Cabello.

In conclusion, I would suggest that the decision of our Government respecting this alleged blockade of Puerto Cabello be speedily obtained. Serious questions are likely to arise at any time, and as commander-in-chief I should be glad to have those exact instructions from the Government which which should follow a discussion and decision of the question in Washington.

In the meantime I would be very much gratified to receive your own conclusions upon the subject and the substance of such communications as you may see fit to make to the Venezuelan Government.

I am, etc.,

J. G. WALKER.

[Inclosure 7 in No. 342.]

Mr. Chambers to Messrs. H. L. Moulton & Co.

LA GUAYRA, *October 4, 1892.*

GENTLEMEN: In answer to your letter of the 3d instant, which duly came to hand at 11 a. m. to-day, I hasten to reply that in no way did the Government steamers attempt to prevent to entering the harbor of Puerto Cabello on the 30th ultimo.

The U. S. S. *Kearsarge* met the ship about 8 miles from the harbor and escorted us in the harbor under orders from the flagship *Chicago*.

In that way we passed one of the small steamers and he blew one short, quick blast of his whistle. The meaning I did not understand; he had no signals up, only his ensign.

On the night of the 1st of October, 11:30 p. m., we also passed the same steamer on our way to this port. We passed close to him; he had no lights burning; did not sound his whistle or in any way molest us.

I will strictly follow your request to report to you all details of interest on our outward bound (passage) voyage.

I remain, etc.,

J. CHAMBERS, *Master.*

Mr. Scruggs to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Caracas, October 10, 1892. (Received October 13.)

Mr. Scruggs asks whether he is not to recognize without delay and formally the *de facto* government of Gen. Crespo, who has duly appointed cabinet and public officers, has the purpose and power of executing international obligations, and holds without opposition the full machinery of government.

Mr. Foster to Mr. Scruggs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 12, 1892.

Mr. Foster directs Mr. Scruggs to recognize the new government, provided it is accepted by the people in possession of the power of the nation and fully established; he asks to be informed of action taken.

Mr. Foster to Mr Scruggs.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 16, 1892.

Mr. Foster asks whether action has been taken upon his instructions of October 12, in the matter of recognizing the new government.

Mr. Scruggs to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Caracas, October 18, 1892.

Mr. Scruggs reports that he will fulfill the formalities of recognition in a few days, and that it is expected the representatives of other powers will follow.

Mr. Scruggs to Mr. Foster.

[Telegram.]

LEGATION OF THE UNITED STATES,
Caracas, October 23, 1892.

Mr. Scruggs gives notice of the formal recognition of the new government.

Mr. Wharton to Mr. Scruggs.

No. 299.] DEPARTMENT OF STATE,
Washington, October 18, 1892.

SIR: I have received your No. 342 of the 7th instant, inclosing copies of correspondence with the minister of foreign affairs of Venezuela in regard to the alleged violation by the American steamship *Philadelphia* and the U. S. S. *Kearsarge* of the so-called blockade of Puerto Cabello.

If, as appears from the facts stated, no serious and continuous visible blockade of that port was maintained and a mere pretense of blockade kept up by sending a vessel there only on the periodical occasions when

the Red D steamers were scheduled to touch at that port, it could not be respected as effective under international law.

Blockade to be effective must be maintained against all commerce and aim to visibly close the port, not be directed to interference with particular ships at intervals.

The consul at Puerto Cabello will be instructed to explain his remissness in not keeping you advised of what has transpired at that port.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Scruggs to Mr. Foster.

No. 346.] LEGATION OF THE UNITED STATES,
Caracas, October 18, 1892. (Received October 26.)

SIR: Since the date of my last report (No. 343, of October 7), order and tranquillity have been restored in the capital, and apparently in all parts of the Republic. The revolution has triumphed completely, and Gen. Crespo is now in unopposed possession of the machinery of government, with duly appointed cabinet ministers and public officers.

The new cabinet is made up of representative men of character and standing from the several States of the Republic, and seems to give very general satisfaction. The new minister to the United States is a gentleman of ability and large political experience, with an extensive following. He is understood to be particularly friendly to the United States, and to be an advocate of reciprocity.

The reputed breach between Gen. Crespo and ex-President Paul has been healed, if, indeed, any serious differences ever existed. The threatened "counter revolution" alluded to in my former dispatches seems to have broken down hopelessly. The remnant of Urdaneta's forces at Maracaibo have dispersed, and Urdaneta himself has fled to Trinidad.

At Barcelona, in the State of Bermudez, there was at last accounts a remnant of some two thousand troops of the former government under command of Gen. Monagas; but they were closely besieged by a force of 6,000 men under command of one of Crespo's generals, and the capitulation of the city was momentarily expected. The probabilities all are that every part of the Republic is now in the undisputed possession of the revolutionary forces. Public confidence has been restored, and already business has begun to revive.

On the 8th instant I had a personal informal conference with Gen. Crespo at his own solicitation. He said he had sought it in order to acquaint me with his hopes and plans for the future, and for the purpose of soliciting my moral support in his efforts to establish order and good government. I thanked him for his flattering manifestation of confidence, and said it would afford me pleasure to be of any service consistent with my official position and duty to my government. He said he had assumed the executive power of the nation only from necessity, that he had established a *de facto* government which was intended to represent the dominant public sentiment of the country; that his government was without the semblance of opposition, and none was anticipated; that he had 25,000 men under arms in different parts of the country, 8,000 of whom were then in Caracas; that he had the power and purposed to carry out international obligations; that he felt partic-

ularly friendly towards the United States, and would be glad if I would at once formally recognize his government.

I said I was already prepared to enter into provisional relations with his government for the transaction of current business, but that any question of formal recognition would have to wait the decision of my government.

He said he had entertained the hope that in my quality of envoy extraordinary and minister plenipotentiary I might feel authorized to formally recognize his government *de facto*. I explained that formal recognition could be given only by special authorization through you from the President; but that I would keep you fully and accurately advised of the situation of affairs, and in due time notify him of your decision.

After some further conversation I asked him whether it was his purpose to convoke the national congress and provide for a constitutional election of President. He hesitated a moment, and then said a meeting of the old congress was thought impracticable; that aside from getting all the members together (nearly half of whom were out of the country), it would probably become an element of discord rather than peace; that a constituent assembly of the several States would more accurately represent the present sentiment of the people, and that such an assembly would be convened at the capital in due time, and a constitutional government established. "Under the new constitution?" I inquired. "Yes," said he, "under the new constitution," from which I infer he intends his present *de facto* government to continue for some time, possibly until February, 1894.

On the next day (the 9th instant) I cabled you. Your reply thereto was received on the 13th.

On the 14th (the day after your telegram was received) I had another informal conference with Gen. Crespo, in which I stated that on the assurances he had given of his ability and disposition to fulfill all international obligations, I was authorized to recognize his new government, and only awaited his convenience to do so formally.

On the 16th (Sunday) the minister of foreign affairs called at my house to say he would pass me the usual preliminary note on Tuesday, the 18th, and that immediately my note should be received the President would arrange for formal public audience. As the mail closes to-day at noon, I shall hardly expect the promised note in time to transmit the correspondence herewith. The delay is caused, I believe, by the President's desire to make the ceremonials as impressive as possible. It is understood, I believe, that Spain, Colombia, Brazil, Santo Domingo, and Salvador will follow.

Meantime, on the 17th, at noon, I received your cablegram of that date, inquiring what action had been taken, a copy of which, together with my reply thereto, is herewith inclosed.

I have, etc.,

WILLIAM L. SCRUGGS.

Mr. Scruggs to Mr. Foster.

No. 355.] LEGATION OF THE UNITED STATES.

Caracas, November 18, 1892. (Received November 28.)

SIR: By the published schedules of the American Red D Steamship Company, its vessels plying between New York and La Guayra

as terminal points are regularly appointed to call both ways at the Dutch port of Curacao. Thus, for example, the steamship *Philadelphia* of that line, which left New York October 22, arrived at Curacao on the 28th, at Puerto Cabello on the 30th, and reached La Guayra on November 1. On her return trip she touched at Puerto Cabello November 5, at Curacao on the 6th, and at La Guayra on her homeward voyage, November 9th.

This statement (verified by a copy of the published itinerary here inclosed) is necessary to a clear understanding of the following incident:

When the *Philadelphia* returned to La Guayra on her direct homeward voyage on the 9th instant, she had on board, among her other passengers embarked at Curacao for New York, one Pedro Vicente Mijares, a Venezuelan citizen. The local authorities at La Guayra, acting under orders from the minister of hacienda, demanded Mijares's surrender on the ground that he was "an enemy of the government."

The captain refused to surrender his passenger, and the customs authorities refused to clear the vessel or to return her register. The matter was then for the first time reported to me, and I instructed the United States consul, Mr. Hanna, to clear the ship, provided the only reason for detaining her was the captain's refusal to deliver up Mijares. The consul gave her clearance accordingly, but she did not sail until next day.

It should be remarked in this connection that there was no specific charge of violation by Mijares of the ordinary law of Venezuela. It was stated merely (and that orally) that he was "an enemy of the government." He was not a military man, nor does it appear that he was at the time in the service of any enemies of the government. The civil war had ended a month before, and there had been no proclamation of martial law in any part of the republic. In other words, there was no actual state of hostilities; consequently, no belligerent right of visitation and search. Nor was there any contract, verbal or written, between the steamship company and the Government whereby the latter might claim the right of interference with the passengers on board.

Late in the evening of the 9th, when it became known that the vessel had been cleared by the consul and would proceed on her voyage, Dr. Rojas, minister of foreign affairs, and Dr. Seijas, legal adviser of the ministry, called at my house and requested me to order the captain to give up Mijares. I courteously but firmly declined to do this and before they left succeeded in convincing them that the captain had acted quite properly in the premises.

They denied the truth of the report (then current) that an order had been issued to fire upon the *Philadelphia*, should she attempt to leave with Mijares on board. I then suggested, as a simple solution of the difficulty, that they induce the minister of hacienda to instruct the customs authorities to return the ship's register or to deliver it to the consul if the ship had sailed. They promised to do this. The *Philadelphia* sailed next day (the 10th), but without her register, which was still in possession of the customs authorities.

Just as the mail is closing I have received the assurance of Dr. Rojas that the register and other papers of the *Philadelphia* will be delivered to the consul before the ship returns.

I am, etc.,

WILLIAM L. SCRUGGS.

CORRESPONDENCE WITH THE LEGATION OF VENEZUELA AT WASHINGTON.

Señor Bolet Peraza to Mr. Foster.

[Telegram.]

LEGATION OF VENEZUELA,
New York, September 9, 1892. (Received September 10.)

I have received positive information that the Steamer *South Portland* that leaves New York to-morrow morning for Trinidad carries arms and ammunition for the rebels in Venezuela. I beg you will give the necessary instructions to detain the steamer until the matter is investigated. The steamer will be cleared to-morrow (Saturday) morning unless you act in the matter.

N. BOLET PERAZA,
Minister of Venezuela.

Señor Bolet Peraza to Mr. Foster.

[Translation.]

LEGATION OF THE REPUBLIC OF VENEZUELA,
Washington, September 10, 1892. (Received September 12.)

SIR: Last night I had the honor to address your excellency a telegram making complaint that the steamer *South Portland*, with a cargo of arms and munitions of war, was about to leave the port of New York, and that there were strong reasons for believing that said arms and munitions were intended for the use of the revolutionaries in Venezuela. I therefore beg your excellency, in the name of my Government, to be pleased to issue the necessary orders to procure the detention of the steamer and the verification of the matter.

The administrator of customs has already, by reason of a telegraphic dispatch from your excellency, taken steps to prevent the departure of said steamer and to investigate the nature of her cargo.

As your excellency will have learned by information received from the administrator of customs of New York, there is already sufficient ground upon which to base the action which I have solicited of your excellency, and it will be proved without difficulty that the steamer and the war materials on board of her are designed for use against the National Government of Venezuela.

I beg your excellency therefore to proceed with the measures already taken as a service conducive to the peace of a friendly nation until the fact be verified that these war materials, which I have formally denounced to the just Government of the United States, are in no way designed to increase the misfortunes which at present afflict Venezuela.

With sentiments, etc.,

N. BOLET PERAZA.

Mr. Adee to Señor Bolet Peraza.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 10, 1892.

South Portland held for investigation. Your proofs of violation of neutrality should be exhibited to collector without delay.

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Señor Bolet Peraza.

DEPARTMENT OF STATE,
Washington, September 10, 1892.

SIR: Upon receipt last night of your telegram of yesterday's date concerning the employment of the steamer *South Portland* in the interest of an insurrectionary movement in Venezuela, a copy was communicated to the Treasury Department, and I am informed in reply that orders have been sent to the collector of customs at New York to refuse clearance to the vessel pending an investigation of the facts alleged in your telegram.

Adding that it thus becomes incumbent upon you to produce proofs in support of your allegation that a violation of the neutrality laws of the United States is on foot, and to set in motion the judicial machinery competent to determine the charge, I beg you to accept, etc.

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Señor Bolet Peraza.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 12, 1892.

Confirm telegram Saturday. Necessary you at once make complaint and furnish proofs. Confer with district attorney in New York. Judicial proceedings must be instituted by you or some person qualified to complain under oath of facts within personal knowledge.

ALVEY A. ADEE,
Acting Secretary.

Mr. Adee to Señor Bolet Peraza.

DEPARTMENT OF STATE,
Washington, September 12, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, in further relation to and confirming your telegram of the previous evening, concerning the steamer *South Portland*, which was stated by you to be preparing to leave the port of New York with arms and munitions of war, destined for the revolutionaries of Venezuela.

As you were informed by my telegram of the 10th instant, the collector of customs at New York, under instructions communicated to

him by the Secretary of the Treasury, had taken steps to prevent the departure of the said steamer pending an investigation.

In that telegram I had the honor to advise you to lay such proofs as you might possess before the collector, and in my telegram of to-day, of which I inclose a copy herewith, I further requested you to confer with the United States attorney for the southern district of New York with a view to instituting by competent complaint, under oath and with submission of proofs, the judicial proceedings necessary in such cases.

Your note of the 10th instant appears to suggest your impression that it is the province of the Government of the United States to continue the proceedings and determine whether or not the vessel in question has violated the neutrality laws of the United States. Such a determination, however, can only be reached by due process of law; and, following the rule established in such cases, the direct intervention of the executive department of this Government is limited to taking such steps as may afford a reasonable opportunity for substantial complaint before the competent judicial authorities, and for the adoption by them of such measures as may bring the case within the jurisdiction of the court.

Under all the circumstances, I need not impress upon you the necessity for immediate action in order that the machinery of justice may be duly set in motion; and I am sure, Mr. Minister, that you will appreciate the urgency of promptly doing so in order that the temporary and purely precautionary intervention of the Executive in this relation may be replaced by regular judicial process of libel and trial.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Señor Bolet Peraza to Mr. Foster.

[Telegram.]

LEGATION OF VENEZUELA,
New York, September 14, 1892. (Received September 14.)

The witness whose testimony is needed to libel steamer *South Portland*, armed and chartered to be used in hostility to my Government, cannot reach New York until late tomorrow. Will you telegraph instructions to detain vessel to enable me to present my proofs?

N. BOLET PERAZA.

Mr. Foster to Señor Bolet Peraza.

DEPARTMENT OF STATE,
Washington, September 15, 1892.

SIR: I have the honor to acknowledge the receipt of your telegram of the 14th instant, asking that the steamer *South Portland* should be detained until the arrival of your principal witness to prove her violation of the neutrality laws of the United States.

In reply, I have the honor to state that I have transmitted a copy of your telegram to the Secretary of the Treasury, who will take proper action.

Accept, sir, etc.,

JOHN W. FOSTER.

Señor Bolet Perasa to Mr. Foster.

LEGATION OF VENEZUELA,
New York, September 16, 1892. (Received September 17.)

DEAR SIR: You must pardon my so frequently troubling you about the matter of the steamship *South Portland*, now detained at this port, and containing a large quantity of munitions of war, consisting of Gatling guns, muskets, rifles, cartridges, etc., but the importance of this matter to my country, the possibility that many innocent lives may suffer if this vessel be permitted to sail to engage in warfare against my Government and people, must be my excuse for my earnestness. Acting in accordance with your direction, I visited the United States district attorney, Mr. Mitchell, made him fully acquainted with all the facts in my possession, and finally caused affidavit to be made in due legal form by the secretary of our consulate in this city that the vessel in question had been armed and loaded with munitions of war for the purpose of being used in warfare against my country. This affidavit was prepared by the district attorney, in the presence of our counsel, Mr. Douglas A. Levien, jr., who is familiar with all the facts and who advises us that the charge can be substantiated. The district attorney, I must say, however, does not seem to me to render the hearty coöperation I had anticipated and had the right to expect as the representative of a friendly Republic. He has subjected me to rigid cross-examination in the premises and requires me to produce other witnesses. This I can do, but not unaided. I require subpœnas from your court, which, I am informed, I can not obtain unless the vessel is libeled. The witnesses are merchants and others engaged in and about vessels, who are unwilling to lose time (as they necessarily would be required to) in a matter in which they have no personal interest.

These facts, however, we do know: That there is a rebellion in Venezuela; that Mr. Garcia and Mr. Francisco Gonzales are in sympathy with the rebel cause, Mr. Garcia being a member of the rebel aid committee which exists in this country. Mr. Gonzales landed from Venezuela in August. Our Government advised us of his coming and that his object in so doing was to buy arms for the rebel government. We had him watched, and our detectives report his visits to the committee of rebel sympathizers. Then secret purchases are made of the arms and munitions of war, now on board the vessel *South Portland*, together with provisions in large quantities. They make inquiries of a Mr. Bowman for the purchase of a vessel, informing him that they desire to use it for the purpose of carrying arms to Venezuela and engaging in warfare against the government of that Republic. The vessel did not prove sufficiently strong, and we subsequently find them chartering, with the privilege of purchasing, the vessel in question, the *South Portland*, which is a larger and stronger boat and better adapted for warfare. The parties are found in continuous consultation with a legal firm as to the best way to avoid legal responsibility under our neutrality laws. Their whole action and conduct shows it to be their intent and purpose to do an illegal and unlawful act against my Government.

In this connection, it will be well to consider that there is no market in Trinidad (to which port they pretend to be bound) for such wares as are carried on this vessel.

I respectfully submit to the honorable Secretary of State that an affidavit made by the responsible representatives of a government is

sufficient to justify the United States district attorney to take such legal proceedings as will enable to enforce the attendance of witnesses before a tribunal authorized to determine the issue, and which possesses the power to administer oaths and punish perjury. If the district attorney has power to determine the sufficiency of proofs, then he has judicial powers as high as those of a court and should be clothed with the authority a court possesses to compel the attendance of witnesses and to punish false swearing.

I beg that you will instruct your district attorney to take such action as will enable me by legal process to compel the witnesses to appear and testify as to the proof of the facts I charge, the names and addresses of which I have already furnished to the district attorney.

If this is done, and not until then, shall I feel the satisfaction of knowing that to my Government has been afforded all the legal resources of the United States Government in its efforts to prevent the commission of a very grave and serious offense against the peace of my country.

Awaiting your reply, I remain, etc.,

N. BOLET PERAZA.

P. S.—I have omitted to inform you that I have information that our Government intercepted a letter written by Mr. Madriz, a Venezuelan resident in this city and an active member of the revolutionary committee here, in which he writes to the revolutionists in Venezuela that their committee were now arming and fitting out a vessel to engage in warfare on behalf of the rebels of that country. I also desire to add that six of the persons (the passengers, so called) who took passage on the steamer *South Portland* were all Venezuelan revolutionists, one of them, Mr. Larralde, being the president of the committee. Since the stoppage of the vessel the last-named gentleman has left and taken passage for Curacao, a few hours sail from Venezuela. I have also thought best to inclose you a copy of a letter sent by our counsel to the district attorney, showing his views in the matter.

[Inclosure.]

Mr. Levien to Mr. Mitchell.

NEW YORK, *September 16, 1892.*

DEAR SIR: The affidavit in your possession, sworn to by Mr. Carlos C. Bolet, charges an attempt to fit out and use a vessel (the *South Portland*) in warfare against a friendly republic, viz, the Republic of Venezuela. The charge is in due form made by a legal representative of the Venezuelan Government on behalf of that Government, and is entitled to be heard before an officer duly authorized to subpœna witnesses and to administer and examine them under oath in due legal form. It seems to me (and I say this with all due respect, for I am confident of your earnest desire to do justice) that in assuming to conduct a secret examination of the accused parties, their counsel and friends, out of court, you are exceeding your authority, giving yourself needless trouble, and *cui bono?* You have no power to pass on the guilt or innocence of the accused, no power to administer oaths, and you certainly can not expect them to voluntarily admit their guilt. It seems to me that if there is probable cause disclosed to you to lead you to believe a crime against the Government you represent is about to be committed that then it is your duty to institute legal proceedings. "Probable cause" is shown by this affidavit of a responsible representative of this our sister republic, and the honor and integrity of the United States is concerned in seeing to it that its laws are enforced, and that in such legal form and such legal way as provided by law the guilt or innocence of the accused should be ascertained. On behalf of the Venezuelan Government, by whom I am retained as counsel, I protest against any other course than the one I have indicated, being pursued. These suggestions I make with all due respect, and I have the honor to be, etc.,

DOUGLAS A. LEVIEN, JR.

Mr. Foster to Señor Bolet Peraza.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 17, 1892.

Replying to your letter of yesterday the district attorney has asked further detention of the *South Portland* until Monday, the 19th. You and your counsel should present any information or argument directly to him, as he must decide whether there is probable cause for the institution of legal proceedings. I have no discretion in the matter.

JOHN W. FOSTER.

Señor Bolet Peraza to Mr. Foster.

[Telegram.]

LEGATION OF VENEZUELA,
New York, September 20, 1892. (Received September 21.)

Duly authorized by my Government to buy a steamer and arm it as a cruiser. I beg you to give instructions to proper authorities in this port to avoid me trouble.

N. BOLET PERAZA.

Mr. Foster to Señor Bolet Peraza.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 21, 1892.

I have received your telegram stating you are authorized by your Government to buy and arm a steamer and asking instructions to the proper authorities in New York to avoid you trouble. Such a guarantee by the executive against independent judicial action is not practicable. The fact of *de jure* or titular government is to be proved like any other fact in the event of a case arising; and heretofore the action of the Department in analogous cases has been confined to furnishing, upon application of any court, a statement of the actual status of diplomatic relations between the United States and the government in question.

JOHN W. FOSTER.

Señor Bolet Peraza to Mr. Foster.

[Telegram.]

LEGATION OF VENEZUELA,
New York, September 21, 1892. (Received September 21.)

The acquittal of Gonzales does not disprove charge that the vessel *South Portland* is armed to be used against my Government. I urge the libelling of the vessel. Will you so direct and detain her? If you require it will personally visit you and present my proofs to-morrow. Please answer by telegraph.

N. BOLET PERAZA.

Mr. Foster to Señor Bolet Peraza.

DEPARTMENT OF STATE,
Washington, September 22, 1892.

SIR: I had the the honor yesterday to receive from you a telegram in relation to the case of the *South Portland*, reading as follows: "The acquittal of Gonzales does not disprove charge that the vessel *South Portland* is armed to be used against my Government. I urge the libeling of the vessel. Will you direct and detain her? If you require it, will personally visit you and present my proofs to-morrow. Please answer by telegraph."

The necessity of some elaboration in replying to this statement precludes the convenient use of telegraph, as requested.

The reports of the United States attorney show that, having before him the proofs adduced by you and your legal adviser, with lists of witnesses in support of your allegations, the arrest and examination of Gonzales by a United States commissioner was naturally resorted to as a convenient and speedy way of bringing to judicial test the charge that the *South Portland* was being fitted out and armed in violation of the neutrality laws of the United States. Such a process, moreover, afforded an immediate and full opportunity to subpœna witnesses and conduct their examination under oath, which was lacking to the United States attorney in the conduct of the investigation he had been duly requested to undertake. The charges and evidence being insufficient to prove a violation of the law on the part of the charterer and freighter of the *South Portland*, the commissioner dismissed the case and discharged the defendant.

The essential charge having failed, no room remained for the libeling of the vessel. The attorney having so reported, the executive discretion of this Department to request the further detention of the *South Portland* by the customs authorities came to an end, and it became my duty so to advise the Secretary of the Treasury.

As you are doubtless aware, the sale of arms and munitions of war, even to a recognized belligerent, during the course of active hostilities, is not in itself an unlawful act, although the seller runs the risk of capture and condemnation of his wares and contraband of war.

Accept, etc.,

JOHN W. FOSTER.

Señor Bolet Peraza to Mr. Foster.

[Translation.]

LEGATION OF VENEZUELA,
Washington, September 24, 1892. (Received September 26.)

SIR: I have had the honor to receive the communication of the 22d instant, in which your excellency is pleased to reply to my telegram of the 21st soliciting the detention of the steamer *South Portland*, on the ground that the acquittal of Francisco Gonzales did not disprove the charge against said steamship.

In the note to which I refer, your excellency advises me that the United States attorney, having before him the proofs adduced by me and my legal adviser, with lists of witnesses in support of my allegations, the arrest and examination of Gonzales was a convenient and speedy means of bringing to judicial test the charge that the steamer

South Portland had violated the neutrality laws of the United States; and that, the charges and evidence having been insufficient, the Federal commissioner had dismissed the case and discharged the defendant.

I very respectfully beg to represent to your excellency in my quality as complainant in the matter of a wrong committed against the nation I represent, in which a vessel bearing the American flag appears guilty, that it was natural that I should request the United States attorney to proceed against the steamer *South Portland*, since, in all criminal cases, the first thing necessary to be proved is the fact of the crime, and, so soon as the illegal act has been established, to proceed against the apparent author of it.

The result of the action taken by the United States attorney goes to show that it was the one the least fitted to satisfy the just complaint of the Government of Venezuela, since the principal witnesses requested by the representative of Venezuela were not even subpœnaed, it being claimed that they could nowhere be found, as in the cases of Capt. Bowman and J. B. Garcia, whose depositions would have been conclusive. Notwithstanding the fact that the marshal stated that these witnesses could not be found, one of them, Capt. Bowman, was interviewed on that same day by a reporter of the New York Herald, and the other, Garcia, was seen publicly in the streets of New York, as the undersigned could have proved had the opportunity been afforded him. It appears, therefore, that the advantage derived from the speedy proceedings adopted by Attorney Mitchell was in favor of the violators of the neutrality laws and the enemies of the peace of Venezuela, leaving my Government without the legal means of proving its charges against the *South Portland*.

Otherwise, the representative of Venezuela might have proved:

(1) That the above-mentioned steamer, *South Portland*, was adequately armed and in a state to make war upon the Government of Venezuela, whose men-of-war are, for the most part, not better armed than the *South Portland*, none of them being provided, like the latter, with the Gatling gun, which is eminently useful in naval warfare.

(2) That the *South Portland*, although ostensibly bound for Trinidad, with munitions of war, intended, as claimed, for legitimate commerce, was in reality destined for Venezuela and the service of the revolutionaries.

(3) That Francisco Gonzales and J. B. Garcia, charterers and freighters of said steamer, are rebels against my Government.

(4) That there were on the *South Portland* seven or eight other rebels belonging to the junta established at New York.

(5) That the said charterers and freighters of the *South Portland* and the other revolutionaries in league with them openly boasted of their violation of the neutrality laws of the United States.

Finally, had the legal opportunity which I solicited in vain been granted me, I could have furnished as corroborative proof, public notoriety, since neither with the press nor with anyone did there exist the least doubt that the steamer *South Portland* was fitted out in this port to make war upon the Government of Venezuela, and that the flag of the United States was made treacherous use of to violate the neutrality guaranteed to Venezuela as a friendly nation.

My Government, having been informed of these circumstances, instructed me by telegram on the 23d instant to enter this just protest, as a preliminary step to the claim which would arise in the event of any act of hostility being committed by the steamer *South Portland*

against the Government of Venezuela, in the waters or ports of the Republic.

I will conclude this note by acquainting your excellency that my Government has further instructed me to make an appeal in its name to the cordiality of the United States in soliciting, as I respectfully do, that your excellency will be so good as to telegraph the necessary instructions, to the end that the United States war vessels now in our ports may be required to prohibit the American steamer *South Portland*, which has been cleared for Trinidad, to disembark contraband of war at Puerto Cabello, now in the hands of the revolutionaries.

Be pleased to accept, etc.,

N. BOLET PERAZA.

Mr. Foster to Señor Bolet Peraza.

DEPARTMENT OF STATE,
Washington, September 28, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant in further relation to the recent detention of the steamer *South Portland* at New York, upon suspicion of intent to be employed in violation of the statutes of the United States in regard to neutrality.

As I before had the honor to make known to you, the question raised in this case was a judicial one, and the action of the executive power in causing the precautionary detention of the vessel was prompted by friendship for the Government and people of Venezuela, and was carried to the utmost extent of executive authority with a view to permitting every proper judicial resource to be availed of. The usual machinery of the law having been duly set in operation, the matter was withdrawn from executive control and direction. While I note your criticisms of the method followed in the investigation, I am unable to accept them as valid. The case was from the outset in the hands of the law officers of the Government having large experience in this class of proceedings, and I must presume their action to have been impartial and in accordance with the law. Hence I am unable to admit as well-grounded, in law or in fact, the protest and contingent claim of damages you announce.

I note your concluding request that, in obedience to the cordial sentiments of the United States for Venezuela, orders be sent by telegraph to the commanders of the naval vessels of the United States now in Venezuelan waters not to permit the *South Portland*, which has been cleared for Trinidad, to land contraband of war at Puerto Cabello, which port you state to be now occupied by a revolutionary faction. Even were a state of belligerency duly recognized and the obligations of international neutrality flowing therefrom actually incumbent upon this Government, I need hardly point out to you that no duty to assist one of the combatants to blockade a hostile port, or to assume to exercise belligerent rights and powers in respect of such contraband of war, could exist. The function of blockade and the rights to be exercised in respect to contraband of war pertain exclusively to combatants, and may not be assumed by a neutral power, however friendly.

Accept, etc.,

JOHN W. FOSTER.

Señor Bolet Peraza to Mr. Foster.

[Translation.]

LEGATION OF VENEZUELA,
Washington, September 28, 1892.

SIR: I am advised that a shipment of arms, of ammunition of war, for hostilities against the Government of Venezuela, is in preparation at the port of Baltimore; and that, in order to give a semblance of lawfulness to said shipment, the vessel will be cleared at the consulate of Venezuela at Baltimore, which is no longer in existence, since my Government has discontinued said consulate.

I beg your excellency to be pleased to inform the Secretary of the Treasury that the Government of Venezuela has no consul in Baltimore; and that whatever clearance may be given by any person styling himself the consul of Venezuela there, is not to be accepted as valid by the Baltimore custom-house.

With sentiments, etc.,

N. BOLET PERAZA.

Mr. Foster to Señor Bolet Peraza.

DEPARTMENT OF STATE,
Washington, September 29, 1892.

SIR: I have the honor to acknowledge the receipt of your note of the 28th instant, stating that a shipment of arms and munitions of war, to be used against the Government of Venezuela, is about to take place from Baltimore, and that the vessel is to be cleared by the Venezuelan consulate at that port.

You ask me to advise the Secretary of the Treasury that your Government has no consul at Baltimore, and to say that a clearance given by any individual proposing to hold such office should not be recognized at the custom-house of the port above mentioned.

I have the honor to say, in reply, that I have transmitted a copy of your note to the Treasury Department, and have stated that this Government has issued no exequatur to any consular officer of the Republic of Venezuela at the port of Baltimore, and that there is no such official on our list.

Accept, etc.,

JOHN W. FOSTER.

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